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Each new student is assigned to a faculty member, a member of the dean’s staff, or other professional staff member who serves as an academic adviser until this responsibility falls to the chair of the student’s major department at the end of the sophomore year. Initial assignments are made by the associate dean for academic affairs on the basis of major interests and abilities indicated by entering students.

Changes in advisers will be freely granted (subject only to equity in number of advisees assigned to an individual faculty member) on application to the associate dean. Reassignments may also be made due to faculty leaves or shifts in duties.

The formal parameters of the relation between adviser and advisee include:

1) the adviser typically approves the courses for which the student registers;
2) the adviser must approve drops or adds to the course load;
3) the adviser will receive copies of all official correspondence concerning the student’s academic standing in order to better advise the student on academic and personal decisions;
4) the adviser will guide the student in meeting academic requirements and choosing classes.

When the adviser is not available, the student may contact the appropriate class dean or the chair of the major department.

Support in the form of clinics, tutors, and/or Student Academic Mentors (SAMs) are provided free of charge within the bounds of reasonable use and when a relevant resource exists. Deans, professors, and/or the coordinator of student disability services and learning resources can all help students access these resources.
The Swarthmore College Bookstore is owned and operated by Swarthmore College for the benefit of the College community. The Bookstore carries required textbooks and supplies, a large selection of general interest and leisure reading material, computer software and peripherals, Swarthmore memorabilia, imprinted clothing and gifts, greeting cards, snack foods and cold beverages, room accessories, health and beauty aids, laundry and cleaning supplies, general everyday gifts, and even some puzzles and toys. All products in the Bookstore are sold at or below manufacturers’ suggested list prices.

- **Information Technology Services (ITS)**
  
  **www.swarthmore.edu/its**

  The Information Technology Services (ITS) help desk provides students with a single point of contact for computer, network, and telephone help services at help@swarthmore.edu, ext. 4357 (HELP) from on campus, or 610-328-8513 from off campus.

  ITS maintains about 400 computers for student use in the libraries, computer labs, classrooms, and residence halls. The Swarthmore wireless and wired computing network extends to every building, and access is provided in each residence hall room. The College network provides access to academic software, library resources, and network storage as well as email and the Internet.

- **Libraries**
  
  **www.swarthmore.edu/libraries.xml**

  The Swarthmore College Libraries partner with students in critical inquiry, scholarly discovery and creativity across three main libraries. The Libraries’ excellent collection of books, journals, databases, films, CDs and other materials are enhanced through access to Bryn Mawr and Haverford colleges as well as libraries worldwide.

  As expected in discovery and research, subject specialist librarians, and specially trained peer research and information students, RIAs, are available as consultants for daily coursework and complex research projects. Research help is readily available at the McCabe Library Research & Information Desk, librarian@swarthmore.edu, chat on the library homepage at [http://www.swarthmore.edu/libraries/ask-a-librarian/](http://www.swarthmore.edu/libraries/ask-a-librarian/), and by phone at ext. 8493 on campus or 610-328-8493 from off campus.

  The Swarthmore College Libraries are committed to providing a safe, pleasant and productive environment for study and research. Users of the libraries are asked to conduct themselves in a manner that does not inconvenience or interfere with others and that is in keeping with our mission to offer a secure and agreeable atmosphere. Any behavior that disregards these purposes is inappropriate.

  Behaviors not permitted include, but are not limited to, the following:

  - excessive noise that can reasonably be expected to annoy other patrons or library staff,
  - discourteous or disruptive use of cell phones or audio equipment,
• soliciting without prior authorization from the College Librarian,
• inappropriate use of recreational equipment e.g. skateboards, skates, rollerblades,
• misuse of restrooms,
• removing library materials from the library without authorization,
• concealing library materials,
• bringing food or drink in that is messy, not covered, has a strong odor, or is more of a meal then a snack,
• placing signs, posters, etc. on surfaces other than bulletin boards, or
• infractions of the Library Computer Use Policy found at: https://swatfiles.swarthmore.edu/departments/Library/policies/computer-use.html/, and
• all other violation(s) of the Student Code of Conduct.

Patrons who violated any of these policies may be asked to leave the library, lose their library privileges, and/or be subject to College imposed disciplinary or legal actions as appropriate.

Borrowing policies vary due to the nature of material being used. Although penalty points are commonly used in place of fines, it is possible to accrue both fines and penalty points under certain circumstances. If an item is recalled and overdue, students are blocked from further borrowing until the time is returned. The student borrowing policy can be found here: www.swarthmore.edu/libraries/borrowing-policies-students/.

❖ Off-Campus Study Office
www.swarthmore.edu/studyabroad

The College emphasizes the importance of study abroad and encourages all students to explore possibilities for doing so as integral parts of their degree programs. Approximately 40 percent of all students take advantage of this opportunity. The Off-Campus Study Office is the on-campus clearinghouse for information on study abroad, and normally is the starting place for exploration and planning. The Off-Campus Study Office will help all interested students at every stage of the process: planning, study abroad, and return. Proper planning begins with attendance at a general information meeting, and then a study abroad advising appointment, as early as possible in one’s college career.

Participants in the Semester/Year Abroad program remain registered at Swarthmore and are subject to the rules and regulations of the College while abroad. Students may study abroad up to two semesters, beginning spring of the sophomore year, and during the junior year. Fall semester seniors may participate in study abroad with the permission of their major department as long as they meet all other eligibility requirements.

To be accepted for credit toward the Swarthmore degree, courses taken abroad must meet Swarthmore academic standards, and be preapproved through the Off-Campus Study Office’s procedures.

To participate in the Swarthmore College Semester/Year Abroad program students must
be in good standing concerning both their academic program and student conduct. The Off-Campus Study Office and the Dean’s Office meet to review student standing and to determine eligibility. Students must also meet the eligibility requirements of the programs to which they apply.

Participants in the College’s Semester/Year Abroad program must comply with its payment plan. Students continue to pay Swarthmore’s comprehensive fee for tuition, room, and board. The College then pays for the tuition fees, room and board costs, insurance, and the round-trip travel of participating students (with Philadelphia as the gateway city). Normally, financial aid is automatically applied toward meeting study abroad fees.

❖ Registrar’s Office
www.swarthmore.edu/Admin/registrar/

The Registrar’s Office is responsible for course registration and maintenance of all official records related to student enrollment. This includes recording course registration and final grades, ensuring that students fulfill all requirements before graduating from the College, and issuing official Swarthmore College transcripts. The Registrar’s Office also coordinates course and final examination schedules, coordinates the honors program, and maintains the content of the College Catalog.

❖ Student Disability Services
www.swarthmore.edu/academic-advising-support/welcome-to-student-disability-service/

Swarthmore College welcomes students with disabilities to participate fully in all aspects of college life. Our mission is to ensure that students with physical, medical, learning or psychological disabilities are provided with equal access to all college programs, activities and services. The Coordinator of Learning Resources and Student Disability Services advises students about the College’s policy, procedure and resources, reviews students’ clinical documentation and collaborates with students, faculty and staff to arrange reasonable accommodations that support students’ individual needs.

Academic Policies

The Swarthmore College Bulletin (College catalog— www.swarthmore.edu/college-catalog/) is the authoritative source of information on degree requirements, major requirements, and course descriptions.

❖ Academic freedom and responsibility

Swarthmore College has long subscribed to the fundamental tenets of academic freedom articulated in the 1940 “Statement of Principles on Academic Freedom and Tenure” by the American Association of University Professors. This doctrine has been reiterated and amplified in the association’s 1970 “Statement on Freedom and Responsibility.” Swarthmore College adheres to the 1970 Statement, relevant portions of which are
reproduced below. The complete texts of the association’s 1940 and 1970 statements are available at www.aaup.org/issues/academic-freedom.

Membership in the academic community imposes on students, faculty members, administrators, and trustees an obligation to respect the dignity of others, to acknowledge their right to express differing opinions, and to foster and defend intellectual honesty, freedom of inquiry and instruction, and free expression on and off campus. The right of students to exercise free expression, including peaceful dissent, orderly demonstrations, protests, and picketing, will be respected. Swarthmore College honors the American Association of University Professors’ statements on freedom and responsibility, including the following: “The expression of dissent and the attempt to produce change, therefore, may not be carried out in ways that injure individuals or damage institutional facilities or disrupt the classes of one’s teachers or colleagues. Speakers on campus must not only be protected from violence, but also be given an opportunity to be heard. Those who seek to call attention to grievances must not do so in ways that significantly impede the functions of the institution.”

Expressions of dissent are expected in any living and learning community, but this expression must not interfere with normal College business. It is a violation of the norms of this academic community for anyone to prevent the conduct of College business, including lectures, meetings, events (such as admissions tours or job interviews), ceremonies, or other necessary business and community functions. Protests are permissible, except in the following locations: classrooms, offices, libraries, dining halls (including cafes), Worth Health Center, residence hall rooms, and lecture halls, ensuring that the normal work, residential experiences, and services of the College can continue. Students who disrupt the functions of the College, including violating the rights of community members and invited speakers to speak, may be subject to the judicial process.

Students are entitled to an atmosphere conducive to learning and to evenhanded treatment in all aspects of the teacher–student relationship. Faculty members may not refuse to enroll or teach students because of the student’s beliefs or the possible uses to which they may put the knowledge to be gained in a course. The student should not be forced by the authority inherent in the instructional role to make particular personal choices as to political action or her/his own part in society. Evaluation of students and the award of credit must be based on academic performance professionally judged and not on matters irrelevant to that performance, such as personality, race, religion, degree of political activism, or personal beliefs.

If a student has a grievance against a faculty member that cannot be resolved directly with the faculty member who is involved, then the student should take her or his concerns to the department chair. If the grievance remains unresolved, then the student should contact the provost. For an equal opportunity grievance, the student is encouraged to contact the Equal Opportunity Officer.

 academic misconduct

Academic misconduct is defined as a violation of the College’s standards of academic
integrity whether these violations are intentional or unintentional. Academic misconduct consists of cheating on an exam, plagiarism on an academic assignment, or unauthorized collaborative work.

Evidence of academic misconduct may include, but is not limited to, the following:

- Some of the student’s work coincides with or closely paraphrases a source that is not properly acknowledged.

- Glaring coincidences in the work of students on exams, papers, problem sets, etc., where cooperation in producing the work was not permitted.

- Submission of the same work in more than one course. When submitting any work to an instructor for a course, it is assumed that the work was produced specifically for that course. Submission of the same work in more than one course without prior approval is prohibited.

Sources that must be acknowledged include, but are not limited to, lab manuals, books, articles in books, journal articles, and web pages, along with graphs, charts, tables, data sets, etc., in any of the sources just mentioned. Proper acknowledgment must indicate both the source and how it served as a source for any specific portions of the student’s work.

The informal nature of some writing may obviate the necessity of rigorously formal citation, but still requires honest attribution to original authors of all borrowed materials. Students should feel free to consult with instructors whenever there is doubt as to proper documentation.

A faculty member who has good evidence to suspect a student or students of academic misconduct will, at the faculty member’s discretion, consult the department chair about the case. The faculty member will then meet with the student (or students) to present evidence. At the faculty member’s discretion, the department chair may be present. After this meeting, if the faculty member’s suspicions are not allayed, the faculty member will submit a report to the judicial affairs coordinator. The report will include a narrative of the incident and evidence supporting the charge. The College Judiciary Committee will adjudicate academic misconduct cases.

💡 Committee on Academic Requirements

The Committee on Academic Requirements (CAR) is the standing committee of the faculty charged with regular review of students’ academic programs and the administration of faculty regulations concerning academic standards and requirements. The committee is also empowered to recommend to the faculty waivers of certain requirements (i.e., the “20 course rule,” the senior-year residency requirement, etc.). Requests for waivers are carefully evaluated by the committee and forwarded to the faculty only when a general educational advantage is perceived.

With the dean of students as chair, the committee regularly meets at the end of each
semester to review records of students who might not be making satisfactory progress or who are under advisement from previous CAR mandates. Student records may be reviewed at other times should information arise about academic difficulties that were not available at the time of the regular committee meetings.

The committee may take one of several actions including, but not limited to:

1) Warnings: Students meet with the dean’s staff member as needed.

2) Probation: Students may be placed on probation, continued on probation, or removed from probation. Rising seniors and current seniors may receive a Senior Letter, which may include probationary status, if the Committee is concerned about a student’s progress to graduation. The student’s parents are informed, and the student meets regularly with a Dean’s Office staff member.

3) Required to withdraw: The student must stay away for a semester or longer and engage in meaningful activity: classes, work, or volunteer activities. In order to return, the student must write a detailed letter to the dean of students requesting permission to return, explaining what happened, what was done while the student was away, and a plan for how the student will address these issues upon return. In some cases, the student will be required to bring back credits, pre-approved by departments, to catch up with the student’s class standing. Appeals may be made to the dean of students at the time of notification of the change of status. The student’s parents are notified since this is considered a change of status. Students who are granted permission to return will be placed on probation for at least one semester upon their return to campus.

Computing

Individuals with access to the Swarthmore College network have the following obligations and responsibilities:

1. To respect other people and the College’s intellectual environment. Use of the network may not violate federal, state, or local law, including the laws of defamation, forgery, and harassment.

2. To not engage in copyright/trademark infringement: The copying of copyrighted materials such as music, movies, and other multi-media via Internet peer-to-peer file sharing software or other means is strictly forbidden. The Digital Millennium Copyright Act (DMCA) provides an opportunity for online service providers (OSPs) to shield themselves from liability for the actions of their subscribers who infringe on the copyrights of others. All institutions of higher education that provide Internet access fall within the scope of the definition of an OSP, with subscribers being their students, faculty, and staff. Information about the DMCA and the College’s policy on copyright infringement is at www.swarthmore.edu/its_copyright.xml.

3. To protect each individual’s accounts from unauthorized use by others. Every account is provided for the use of a specific individual and may not be shared with nor loaned to others. Additionally, office computers are generally assigned to specific
individuals for College-related work. All members of the community must obtain permission before using a computer not assigned to them.

4. To respect the integrity of other users’ accounts. Individuals must not attempt to decode passwords or access information illegitimately. For example, sending electronic mail under another person’s name (forged email) is a violation of this policy.

5. To avoid engaging in any activity that may reasonably be expected to be harmful to the systems operated by the College, including, but not limited to, attempting to disrupt, gain unauthorized access to, or damage computing and network systems (hardware and software) belonging to Swarthmore College, or to use the College’s computing resources to disrupt, infiltrate, or damage systems belonging to others on campus or around the world. When a system vulnerability is discovered, users are expected to report it to Information Technology Services (ITS).

6. To avoid excessive use of shared resources, whether through monopolizing systems, overloading networks, misusing printers or other resources, or sending spam or unsolicited mass electronic mail.

Violations of these guidelines that come to the attention of ITS will be referred as appropriate to the Dean’s Office, Provost’s Office, or Human Resources Office. Where appropriate, ITS may temporarily withhold services from students, faculty, or staff while referring the case in a timely manner to the appropriate College office. Sanctions can include termination of all OSP services to the individual(s).

- Leaves from the College

Voluntary leaves of absence. Student leaves of absence are freely permitted. Some fines may occur if late notice is given. A student planning a leave of absence should seek permission from a Dean and complete the necessary form (available from the Dean’s Office) prior to the deadline published each semester—usually Dec. 1 and April 1. The form asks the student to specify the date of expected return; the student need only notify the Dean of his/her return if the return date changes from that originally indicated on the completed form. Please note that some leaves may affect the student’s re-payment of loans.

Withdrawal. Withdrawal from the College may occur for academic, disciplinary, health, personal, or financial reasons and may be voluntary or required by the College. Students withdrawing from the College before the end of the semester normally receive the grade notation “W” (withdrawal) on their permanent record for all in-progress courses.

Involuntary withdrawals for health reasons. The College provides a wide range of services to support and address the mental and physical health needs of our students. We encourage all students to use these resources, and our first concern is the health and welfare of all members of our community. However, students whose psychiatric, psychological, or other medical condition causes them to pose a direct threat to the health, welfare, and safety of others on campus or interferes with the academic performance or educational endeavors of others, may be required to withdraw from the
College. Under these circumstances, students will first be given the opportunity to take a voluntary leave or withdrawal through the process described above. In no case will a student’s mental or physical condition itself be the basis for a withdrawal required by the College.

If a student is exhibiting behaviors that may pose a direct threat to the health, welfare, and safety of others on campus, or if the student’s behavior interferes with the academic performance or the educational endeavors of other students, the dean of students may request a mental health evaluation to determine whether the student can safely remain on campus. The evaluation will be conducted by a health care professional who possesses competent medical expertise. The evaluation will involve an individualized assessment, based on the student’s conduct, actions, and statements, and current medical knowledge or the best available objective evidence, to ascertain the nature, duration, and severity of the risk and whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk. A report of this evaluation is made to the dean of students, who will provide that report to the Evaluation Committee in advance of a hearing with the student.

The decision to require withdrawal for health-related reasons shall be made by the Evaluation Committee, consisting of the associate dean for academic affairs, who will serve as the chair, and two other deans appointed by the associate dean of academic affairs.

The dean of students will arrange for the Evaluation Committee to meet with the student and will notify the student in writing of his/her referral to a hearing and inform the student of the time, date, and location of the hearing. The Evaluation Committee will not be convened until the evaluation described above has been completed and the written psychological assessment has been submitted to the College.

Notice of the hearing will be considered adequate if it is sent to the student’s last known address registered with the College or is hand delivered to the student at least three (3) business days in advance of the meeting time.

The Evaluation Committee will conduct an informal hearing with the student in order to determine an appropriate course of action under this policy. The following guidelines will govern the hearing:

1. The student will have the right to be present throughout the entire hearing, unless the student becomes disruptive.
2. The hearing will be conducted even if the student fails to attend the hearing or if the student is removed during the hearing for disruptive behavior.
3. A family member and/or a qualified mental health professional may accompany the student to the hearing. Legal counsel will not be permitted at this hearing. The student will be expected to speak on his/ her own behalf whenever possible.
4. The student will have the right to review all case information before the hearing with the exception of personal or confidential notes of College administrators regarding the case. The information will be made available to the student in the Dean’s Office during normal business hours at least two (2) business days before the scheduled hearing.
5. The hearing shall be conversational and non-adversarial whenever possible. Formal rules of evidence will not apply, except that the chair may exclude evidence that is not relevant or is cumulative.

6. The student has the right to question any witnesses who may testify at the hearing and comment on all documents presented.

7. The hearing will be closed to the public, and all testimony and evidence will be maintained in accordance with the College’s obligations under the Family Educational Rights and Privacy Act (FERPA).

8. The student shall have the right to submit his/her own medical report or testimony.

The Evaluation Committee will review the evaluation report and other available information about the student and make a determination as to: 1) whether the student should be involuntarily withdrawn from the College or from on-campus housing; or 2) whether the student can remain in school and/or continue to live in on-campus housing under specified conditions. The findings by the Evaluation Committee will require the concurrence of any two of the three committee members. The Evaluation Committee will make its findings based on the student’s conduct, actions, and statements and the available medical and other evidence.

Upon completion of its hearing, the Evaluation Committee will submit its written findings to the dean of students within three (3) business days. This document will include the findings of the committee, the reason(s) for the finding, and:

1. If the committee requires an involuntary withdrawal, whether the student is eligible to be considered for re-enrollment, including the conditions the student must meet to be considered and any length of time that must pass before the student can apply for reenrollment, OR

2. If the team does not require an involuntary withdrawal, any conditions that the student must meet in order to remain enrolled in the College and/or remain in on-campus housing.

The dean of students will notify the student in writing within three (3) business days after receiving the committee’s written findings. If the recommendation is to allow the student to remain enrolled at the College and/or remain in on-campus housing, the student will meet with the dean of students to discuss any conditions that must be met for return to College or on-campus housing.

The provisions in this involuntary withdrawal policy shall not take the place of disciplinary actions that are in response to violations of the College’s policies and regulations, and they do not preclude the removal or dismissal of students from the College or campus housing as a result of violations of the College’s policies and regulations.

**Return after health-related absences.** Students who take a health-related leave of absence, are involuntarily withdrawn from the College for health reasons, or are hospitalized for a period of time during the semester are subject to readmission procedures before they may return to campus to resume their studies. The College applies its readmission procedures in a nondiscriminatory manner and may require any
documentation or evaluation it deems appropriate. In all cases, a student returning to campus from the hospital must communicate with the Worth Health Center director or designee prior to returning to on-campus housing to ensure the student’s readiness to resume college life and so that follow-up care can be discussed.

Readmission following withdrawal. A student who has withdrawn from the College for any reason, voluntary or involuntary, may apply for readmission by writing to the dean of students. Normally, the College will not accept applications for readmission until a full semester, in addition to the semester in which the student has withdrawn, has passed. For a complete description of the readmission process, please refer to the Swarthmore College Bulletin (College catalog— www.swarthmore.edu/college-catalog/faculty-regulations/ at section 8.5.3).

Non-Discrimination and Equal Opportunity
http://www.swarthmore.edu/equal-opportunity-office

Notice of Non-Discrimination
The College expressly prohibits any form of discrimination and harassment on the basis of any College-recognized protected classification, including sex, race, color, age, religion, national or ethnic origin, sexual orientation, gender identity or expression, pregnancy, marital status, medical condition, veteran status, or disability in any decision regarding admissions, employment, or involvement in a College program or activity in accordance with the letter and spirit of federal, state, and local non-discrimination and equal opportunity laws, such as Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, The Age Discrimination in Employment Act, The Americans with Disabilities Act and ADA Amendments Act, The Equal Pay Act, the Pennsylvania Human Relations Act, and the Borough of Swarthmore Ordinance on Non-Discrimination.

Swarthmore College, as an educational community, will promptly and equitably respond to all reports of discrimination and harassment based on a protected classification in order to eliminate the discrimination, prevent its recurrence, and address its effects on any individual or the community.
Inquiries or complaints may be directed as follows:

Who to contact to file a discrimination complaint

**On Campus:**

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
<th>Office Address</th>
<th>Phone</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sharmaine LaMar</td>
<td>Director, Equal Opportunity</td>
<td>Parrish Hall North 277</td>
<td>610-690-5675</td>
<td><a href="mailto:slamar1@swarthmore.edu">slamar1@swarthmore.edu</a></td>
</tr>
<tr>
<td>Kaaren Williamsen</td>
<td>Title IX Coordinator</td>
<td>504 Fieldhouse Lane</td>
<td>610-690-3720</td>
<td><a href="mailto:kwillia1@swarthmore.edu">kwillia1@swarthmore.edu</a></td>
</tr>
<tr>
<td>Liliana Rodriguez</td>
<td>Associate Dean of Diversity, Inclusion and Community</td>
<td>Parrish Hall 140</td>
<td>610-690-5767</td>
<td><a href="mailto:lrodi31@swarthmore.edu">lrodi31@swarthmore.edu</a></td>
</tr>
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</tr>
</tbody>
</table>

**Off Campus:**

<table>
<thead>
<tr>
<th>Office for Civil Rights</th>
<th>Equal Employment Opportunity Commission</th>
<th>PA Human Relations Commission</th>
</tr>
</thead>
<tbody>
<tr>
<td>215-656-8541</td>
<td>1-800-669-4000</td>
<td>(215) 560-2496</td>
</tr>
<tr>
<td><a href="mailto:OCR.Philadelphia@ed.gov">OCR.Philadelphia@ed.gov</a></td>
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</tbody>
</table>

The College's complaint resolution procedures applying to:

- **staff** can be found in Chapter 11 of the Employee Handbook;
- **students** can be found in the Student Conduct Policies and Procedures section of the Student Handbook;
- **instructional staff** can be found in section II.C.1 of the Faculty and Instructional Staff Handbook and
- **sexual violence, harassment, stalking and intimate-partner violence complaints** can be found in the Sexual Assault and Harassment Policy

**Statement of Equal Opportunity**

Swarthmore College is committed to the principle of equal opportunity for all qualified persons without discrimination against any person by reason of any College-recognized protected classification, including sex, race, color, age, religion, national or ethnic origin, sexual orientation, gender identity or expression, pregnancy, marital status, medical condition, veteran status, or disability.

In keeping with the long-standing traditions of the College and the spirit and letter of the federal and state equal opportunity laws, it is the standing policy of the College to realize equality of opportunity in education and employment; to guard against discrimination contrary to that aim; and to correct discriminatory behavior if found to exist within the College community. Consistent with maintaining an educational program of the highest quality, our standing policy includes affirmative efforts to achieve the above goals in employment and education.

These policies apply to all College community members, including faculty, staff, students, and volunteers.
Social & Residential Resources & Support

Career Services
http://www.swarthmore.edu/career-services

Career Services provides students with counsel as they explore career directions. Our mission is to help students gain self-understanding and to connect their interests, values, and skills with knowledge about careers and life beyond Swarthmore. Services include career counseling and career assessments, internship and employment opportunities, externships and networking with alumni, assistance with graduate school applications, on-campus recruiting, and consortium-based interview days in various cities. Career Services helps students develop strong application materials, interview skills, and the ability to network effectively in their career search, and offers assistance in navigating the important transition from college to a meaningful career.

Counseling & Psychological Services (CAPS)
http://www.swarthmore.edu/counseling-and-psychological-services

Counseling & Psychological Services (CAPS) provides individual and group psychological counseling and psychotherapy to students and offers consultation to parents, faculty, and staff. CAPS is open when classes are in session; appointments can be made by visiting CAPS during office hours, M-F 8:30AM to 4:30PM, or by calling 610-328-8059. Off-campus referrals are available for students who prefer to be treated privately or require more intensive treatment. CAPS is staffed by clinical social work, psychology and psychiatry clinicians. Psychotherapy sessions are confidential to the extent provided for by Pennsylvania law. CAPS services are provided free of charge.

Dean’s Office
http://www.swarthmore.edu/deans-office

The Swarthmore College dean of students office oversees the academic support, residential, and social resources available to students at the College. Students are encouraged to reach out to the staff of the Dean’s Office for academic affairs and support, disability services, and specialized advising for students interested in pre-med and pre-law preparation. The office also oversees diversity, inclusion and community development initiatives on behalf of students, including supporting resources such as the Black Cultural Center, the Intercultural Center, student activities, and residential life. The Dean’s Office attends to the health and well-being of students through the Worth Health Center and Counseling & Psychological Services (CAPS). Students wishing to pursue fellowships and prizes or who are seeking the support of career services should also turn to the Dean’s Office. Finally, the Dean’s Office is responsible for managing the student conduct process for students.

Identification (ID) cards
http://www.swarthmore.edu/public-safety/campus-services

Student identification (ID) cards are issued by the Department of Public Safety. Lost ID
cards can be replaced for a $10 fee at the Public Safety Office (Benjamin West House).

Admission to the dining hall, all Social Affairs Committee (SAC) events, College movies, Upper Tarble dances, etc., require a valid College ID. IDs are checked at the door of these and other events/locations and checkers are instructed to allow no exceptions. Any guest of a student must be signed in with the name of both the host and guest recorded at the door of the event.

Swarthmore ID cards are not transferable. Anyone found loaning an ID to another individual for use at Sharples Dining Hall or any College function will be fined $35. The borrower will also be fined $35. Misused cards will be confiscated and returned only on application to the dean of students.

Upon request, students are obligated to provide College personnel with accurate identification. A student may not knowingly provide false information or make misrepresentation to any College office.

In addition, the forgery, alteration, or unauthorized possession or use of College documents, records, or instruments of identification, or forged or fraudulent communications (paper or electronic mail) are prohibited and subject to disciplinary action.

**Parking on campus**
http://www.swarthmore.edu/public-safety/parking

Parking regulations are strictly enforced 24 hours a day, and every day of the year, at Swarthmore College. Students must have an approved student permit in order to park on campus; a very limited number of student parking permits are available. Generally, parking permits are only awarded to seniors or special accommodations. Students may not park in non-student parking spots at any time.

Students who park without a permit, and/or students who park in faculty/staff lots may have their cars ticketed or towed. Repeated violations of this policy may be referred to the Student Conduct process where sanctions and/or fines may be imposed.

**Public Safety**
http://www.swarthmore.edu/public-safety

Swarthmore’s Public Safety Department operates 24/7/365 and is fully committed to providing a safe and healthy campus for the entire community. Uniformed officers patrol buildings and grounds, respond to emergencies, educate the community about crime prevention, and provide individual safety escorts upon request. Public Safety also offers self-defense classes for women for PE credit and regularly meets with RAs to discuss safety issues.

The Department’s GARNET Safety Program includes free apps for smartphone devices such as SWATSafety, a central source for safety information, and EmergenSee which, when activated, sends audio, video, and a GPS location to the Department’s
Communication Center. Information on both is available on the Public Safety website.

For general questions or to learn more about safety and education initiatives please call ext. 8281 on campus or 610-328-8281 from off campus. All emergencies should be reported to Public Safety’s emergency telephone line, ext. 8333 on campus or 610-328-8333 from off campus. Any crime or suspected crime should be reported immediately to Public Safety. The Department of Public Safety works closely with Swarthmore Borough Police, who may also respond to campus for major incidents or aide in the investigation of crimes.

Public Safety works vigorously to comply with the spirit and letter of federal laws that govern campus safety and security. More information about these laws and our annual reports of information about crime on and around campus can be found on at [http://www.swarthmore.edu/public-safety/clery-crime-statistics](http://www.swarthmore.edu/public-safety/clery-crime-statistics), under Annual Fire Safety and Security Report.

Public Safety is located in Benjamin West House and serves as the visitor center and central phone operator for the College.

The Department strives to educate and partner with the community and instill the concept that safety is our shared responsibility.

**Residential Life**

[www.swarthmore.edu/housing](http://www.swarthmore.edu/housing)

Swarthmore College is committed to student learning in and out of the classroom and thus supports the personal and leadership development of students through extracurricular activities. Swarthmore’s housing philosophy is based on the belief that residence-hall living enhances education by contributing to an individual’s academic, social, and personal development. If residence halls are to provide an environment for personal growth, residents must accept responsibility for their own actions and demonstrate respect for the rights and concerns of others and for the property of the College.

General housing policies and regulations are established by the Dean’s Office. Students are expected to familiarize themselves with the policies and rules concerning their conduct in the residence halls. Acceptance of space in College housing reflects a knowledge of and willingness to abide by housing policies. Living in College housing is a privilege and not a right. The Dean’s Office may, at any time and at its own discretion, withdraw this privilege due to behavior which does not rise to the standards outlined below. Students who lose their housing privileges are not entitled to a refund of their room and board charges for the remaining weeks of the semester.

**Housing Eligibility**

Eligibility for College housing is contingent upon full-time enrollment status, an up-to-date College student account, and on-time participation in the room selection process. To reside in College housing, students must be in good financial and behavioral standing with the College, and must satisfy any outstanding fees owed to the College prior to
move-in day. Students with outstanding balances will not be able to move into their residence hall rooms or collect their keys until the matter is resolved.

Students are eligible for eight (8) terms of College housing, including terms spent on foreign study. Students may request housing after their eighth (8th) semester but it is subject to limited availability.

❖ Conditions of Occupancy

Students living in College housing agree to abide by rules, regulations, and policies stated in the Student Handbook. Violations of residence hall rules and regulations are considered to be violations of College policy, and will be referred to the Director of Student Conduct. Residents must accept responsibility for their own behavior and act in a manner that demonstrates respect for the rights and concerns of others and for the property of the College.

Official occupancy dates for the residence halls are listed in the academic calendar. Residence halls remain open during fall break, Thanksgiving break, and spring break. Residence halls are closed to students during winter break. Specific winter vacation dates are set each year, but generally include a 4-5 week period from mid-December through mid-January. No meals are served during fall and spring breaks.

When the residence halls are closed, no student may be in the building. Students found in residence halls when they are not authorized to be are subject to fines and are referred to the Director of Student Conduct.

❖ Room Assignments

Most students live in college residence halls all eight semesters. New students are required to live in the residence halls during their first two semesters. After their first year at the College, students are permitted to live in non-College housing.

All new students are assigned roommates and residence hall room by the Dean’s Office. During the spring semester, rising senior, junior and sophomore students select rooms for the following fall. Each student receives a lottery number, based on their official class year, which dictates his/her priority status in lottery room selection. The College guarantees housing for all students who participate in the housing selection process in a timely manner. While many seniors and some juniors live in single-type rooms, the College cannot guarantee that a single will be available for any student. First-year, sophomore, and junior students generally live in doubles, triple, or quad-style rooms.

A mixture of class years live in each residence hall. About 90 percent of residence hall areas are designated as gender-neutral housing either by floor, section, or entire building. The remaining areas are single-gender housing. Although single-gender options are offered, they are not always available and as such cannot be guaranteed.

❖ Room Access
Any member of the Dean’s Office, accompanied by Public Safety or any other person or entity the Dean’s Office believes appropriate may enter and inspect a residence hall room without the resident’s consent, if there is any reason to believe that any College regulation or state, federal or local law is being or has been violated. Any member of the Dean’s Office, Public Safety or College personnel may also enter a room in order to check the health or welfare of a student.

❖ Arrival and Departure Dates

Students may neither arrive early at the beginning of a semester nor remain in College housing after the announced closing date without special permission from the Dean’s Office. A fine of at least $100 will be assessed, per day, for violations of this policy, and the case referred to the Office of Student Conduct. Individuals found to be in the residence halls without permission will be required to relocate immediately.

❖ Room Changes

Requests for room changes can be made by contacting the Office of Student Engagement. Making a room change request does not ensure that a room change will be made. Students are expected to work through roommate and other housing conflicts with the involved parties, with the help of resident assistants (RAs) and deans and/or through mediation, if appropriate.

All students are expected to occupy the rooms to which they are assigned or which they have selected through the regular room choosing process. Prior approval from the Dean’s Office is required of any student making a room change. Students who switch rooms without the consent of the assistant director for residential communities will be penalized $100 and will not be permitted to participate in the next housing lottery.

❖ Room Cancellations

If a student reserves a room through the housing lottery or waitlist system and cancels their housing contract, a fine between $100-$500 is assessed to the student’s account. Fines are generally assigned as follow:

For fall semester: If a student selects a room in the lottery and chooses to live off-campus, but is still enrolled, the student will be assessed
a. $100 fine per person to cancel their housing contract, before June 1.
b. $500 fine per person to cancel their housing contract between June 1, and week of eight (8) of classes.
c. No room refund will be given when notice is given after week eight (8) of classes.

For fall semester: If a student selects a room in the lottery and takes a leave of absence, the student will be assessed
a. $100 fine per person to cancel their housing contract before August 1.
b. $500 fine per person to cancel their housing contract between Aug. 1, and week eight (8) of classes.
c. No room refund will be given when notice is given after week eight (8) of classes.
For spring semester: if a student selects a room in the December lottery or already has a room from the fall semester and chooses to live off-campus, but is still enrolled, the student will be assessed.

a. $100 fine per person to cancel their housing contract before Dec. 1.

b. $500 fine per person to cancel their housing contract between Dec. 1, and week eight (8) of classes.

c. No room refund will be given when notice is given after week eight (8) of classes.

For spring semester: if a student selects a room in the December lottery or already has a room from the fall semester and takes a leave of absence, the student will be assessed:

a. No fine to cancel their housing contract before Dec. 1.

b. $100 fine per person to cancel their housing contract between Dec. 1, and Jan. 5.

c. $500 fine per person to cancel their housing contract between Jan. 5, and week eight (8) of classes.

d. No room refund will be given when notice is given after week eight (8) of classes.

**Keys and Locks**

The College takes precautions to protect the safety and well-being of students, and expects students’ full participation in this process. Rooms should be locked when unoccupied, even for a brief period of time, to avoid theft of personal property. Exterior entry doors should not be propped open. Public safety officers, Environmental Services (EVS) staff, maintenance workers and their supervisors, as well as resident assistants (RAs), may have access to master keys for each residence hall. These keys may only be used in the course of fulfilling official job duties.

**Key Central.** Key Central is located in the Facilities and Services Building. Key Central is generally open weekdays from 6:30 a.m. to 2:30 p.m. The office may be contacted by emailing locks@swarthmore.edu or calling ext. 5397 (KEYS) from a campus phone. From off campus, call 610-690-5748. Keys will only be issued to the person to whom they are assigned.

**Lost Keys.** Lost keys must be reported immediately. Please notify Public Safety, the resident assistant, and Key Central immediately in writing (by email) about a lost key. There is a minimum charge of $100 for each lost key. If a student loses more than one key, or there is reason to believe that the key may be identifiable, a mandatory room lock change may be required.

**Found Keys.** Found keys are to be turned in to Public Safety or Key Central immediately. For security reasons, the office will not divulge the identity of a key or its owner to other students.

**Room Changes.** If a student is changing rooms, they may only have one (1) key in her/his possession at a time. The student is not to trade key(s) with another student. When rooms are changed, Key Central automatically reassigns new key and flags the other key(s) as due. If the key is not returned promptly, the student will be charged $100.
**Locks.** Only College locks may be used on doors; personal locks will be removed, and the owner will be charged for damages and labor.

**Returning Keys.** At the end of the year, students should return their keys to Key Central before departing campus. If a student wished to return a key after regular business hours, the key may be placed in the 24-hour key drop located directly at the top of the loading dock stairs of the Facilities and Services Building. If the student wishes to receive a key-return receipt, she/he may get one during business hours at the Key Central window. Keys must be returned to Key Central by Jan. 1 (fall term rooms) or June 5 (spring term rooms) for the student to get credit for the key’s return and avoid the $100 fine.

Should the student elect to take a leave of absence, cancel their housing contract, or depart from the College earlier than originally scheduled, all College keys immediately become due and must be surrendered before leaving campus.

❖ **Vacancies**

In all non-single rooms, if one or more assigned residents cancel their housing contract, the Office of Student Engagement has the right to fill the empty space or to move the remaining roommate(s) to another comparable space. This will be done in consultation with the remaining occupant(s)

❖ **Care of College Property**

College-provided furniture in residence hall rooms may not be removed or dismantled. Public-area furnishings are intended for general use and are not to be taken into private rooms. Students who violate these rules will be fined and referred to the Office of Student Conduct. Students who do not comply with the directive to restore furniture and equipment to its rightful place will be assessed additional penalties for continued noncompliance. Serious or repeated violations could also subject the student to suspension of her/his right to reside in College residence halls.

Personal beds—including water beds and mattresses—may not be added to the room unless specific permission is obtained before the student’s arrival date from the assistant director for residential communities. For safety reasons, construction of lofts or walls in rooms is not permitted.

Rooms must be returned to their pre-occupancy condition upon move-out. Rooms will be examined subsequent to each student’s departure, and a fine will be levied in the event that special cleaning beyond common procedures is required, or for the removal of College property from the room. Fines are also levied if the staff must move furniture in or out of the room. Similar charges will accrue if students leave belongings in common spaces that must be removed by facilities management personnel. Typically, those charges begin at $100 per resident and increase when extra cleaning of rooms is necessary. Room walls, floors, doors, and furniture may not be painted.

A complete listing of fines and fees may be found on the Office of Student Engagement website.
**Prohibited Items**

Fire regulations prohibit: personal cooking appliances (hot plates, toaster ovens, or other items with open-heat elements); space heaters; candles, incense, and other open-flame items; and halogen lamps.

Any student with an open flame (e.g., candle, incense, etc.) will be subject to a $500 fine and referred to the Office of Student Conduct.

The cooking facilities in residence halls are designed only for occasional snack use and not for regular meal preparation. Students are not permitted to cook in dormitory rooms or bring microwaves. Students may bring small refrigerators for their dorm rooms, but they must meet all College specifications (Energy Star rated and no larger than 24” x 18” x 18”). Wastebaskets must be metal. Extreme care must be taken with irons, clothes steamers, curling irons, and other personal-care devices. Electrical items using excessive wattage (e.g., air conditioning units) are prohibited. Extension cords must be Underwriter’s Lab approved; outlet strips must have a built-in circuit breaker. No gas-powered vehicles are permitted in the buildings.

Pets of any kind are NOT allowed in residence halls. Fines will be levied against anyone found with a pet in the residence hall, and the pet(s) will be removed from College premises. A repeat offense will cause the student with the pet to forfeit her/his right to reside within College housing. Nothing in this pet policy shall be construed to limit access to housing for a student with a disability.

**Quiet Hours**

Quiet hours are established by hall residents at the beginning of each term. Should there be a conflict between roommates about sleeping, socializing, and studying schedules, the students’ sleeping schedules will generally take precedence over other room uses. It is understood that an occasional late-night study session may need to take place in a residence hall room. If a regular pattern of late-night studying develops and the roommate needs to get a regular amount of sleep, the studier will be asked to relocate to a more appropriate location (library, classroom, or residence hall lounge).

**Guests**

Primarily, residence hall rooms are designed for sleeping and studying on the part of the occupants. Guests of Swarthmore students are welcome to visit campus. Guests are defined as traditional college-aged students, family, non-Swarthmore friends, and prospective students. Individuals or groups contracted to perform specific functions at the College (e.g., performers, speakers, etc.) are not permitted to stay overnight in the residence halls. If a guest of a student will be staying in a residence hall Overnight, the resident assistant (RA) must be notified, and all roommates must agree to any overnight stay.

A guest is not permitted to stay in a residence hall more than a total of four nights each term. A guest is never permitted to sleep or reside in any public location (such as a dorm
lounge, basement, or other public space). Requests for exceptions must be made to the Assistant Director for Residential Communities.

Student hosts are responsible for the conduct of their guests on campus and will be held accountable for any violation of the code of conduct or other rules of the College committed by a guest.

The Dean’s Office reserves the right to require a guest to immediately leave campus if their behavior begins to have an impact on the campus community or is otherwise disruptive.

Before inviting a guest into the room, the student must secure the permission of all roommates. If the roommate does not give permission, the inviter may not have the guest in the room. Usually, roommates can agree about the presence and timing of guests. If no agreement can be reached, the basic principle is that the room is for study and sleeping by the assigned occupants.

Storage

The College is phasing out dorm storage. Beginning the Fall of 2015, no dorm storage will be available for student belongings.

Until the end of summer 2015, limited storage areas are provided in most residence halls; dorm storage rooms may reach capacity and be closed to students on a case-by-case basis. Insurance is not provided on items stored in dorm storage, and students store their belongings at their own risk. Students are not allowed to store any furniture or large items in these locations.

Until the end of summer 2015, a limited amount of ‘secure storage’ in Old Tarble is maintained by Public Safety and available to students on a first-come, first-serve basis. Secure storage may be accessed on scheduled days and times at the beginning and end of each semester. Each student may store up to three items, though space limitations prohibit the storage of furniture, bicycles, musical instruments, rugs, mattresses, fridges, or other large items.

The insurance program for the College is designed to provide protection for College property and does not include the property of students or others. Students and their parents are strongly urged to review their insurance program in order to be sure that coverage is extended to include personal effects while at college. The College assumes no responsibility for stored items; students store items at their own risk.

There is no access to these storage areas during winter and summer breaks. Dorm and Secure storage options will be available to students through the summer of 2015. After items are retrieved in fall 2015, this resource will no longer be available.

Furniture (rugs, chairs, sofas, tables, etc.), food items, and other large items may not be stored on College property. Limited storage space and fire regulations prohibit storage of such items. Violation of storage policies will result in removal of prohibited items and an
accompanying charge. Musical instruments and refrigerators are not allowed in secured storage.

Periodically, all storage rooms will be cleaned and inappropriate items removed. Graduating students may not leave items in storage after Commencement. Any items found in storage rooms that are out-of-date or labeled inappropriately will be considered “abandoned” and disposed of accordingly. The College reserves the right to dispose of any items in storage locations, without notice, if the storage rooms become a health or safety concern.

There are many locations off campus that offer students summer- and winter-break storage options. Students must work with these companies individually as they are not managed by the College.

❖ **Board Requirement**

All students living in campus housing must participate in one of the College’s three meal plans, with the exception of students living in the Strath Haven Condominiums. Students living in Strath Haven may decline the meal plan, select a partial meal plan, or subscribe to the full meal plan. The selection of a meal plan option is done through Dining Services (Sharples Dining Hall).

❖ **Cable and Internet**

Cable access is provided to one TV set per building. Splicing into the line or installing a satellite dish is a violation of College policy. Wireless network access is provided in all residence halls. The use of personal wireless access points is prohibited as they may interfere with the College-provided service.

❖ **Summer Housing**

The College, as a service for faculty and their student researchers, provides limited summer housing. First housing priority is assigned to students conducting research with faculty members. Second housing priority is assigned to students working in College offices and international students not returning home during the summer. Details, availability, cost, application, etc., are publicized after spring break by the Office of Student Engagement. There is a limited meal plan available during the summer. No access to the College’s health or psychological services is available over the summer. There is limited access to the library, information technology services, and athletic facilities.

❖ **Off-Campus Housing**

In keeping with Swarthmore’s philosophy that residence hall life supports the College’s academic mission, most students (approximately 96 percent) live in the residence halls. However, it is recognized that some students may prefer to live off-campus, and, with the exception of new students, they are generally allowed to do so. Students wishing to live in non-College housing must submit an ‘Intent to Live Off-Campus’ form each semester,
and provide a local address and cellular telephone number.

Off-campus students may subscribe to the full meal plan or select a partial meal plan. Debit cards for use at the Dining Hall, Kohlberg coffee bar, Science Center coffee bar, and the Tarble snack bar may also be purchased by off-campus students. Contact Dining Services for additional information.

**Student Health Service**

http://www.swarthmore.edu/health-center

The Worth Health Center is available 24 hours a day, seven days a week when school is in session. Student Health Service supports the health and well-being of every student, in keeping with the broader mission of facilitating a productive and rewarding college experience. The Worth Health Center is not a hospital or an emergency room and is not staffed by doctors; students experiencing true emergencies and/or severe medical issues should be evaluated and treated at a local hospital (i.e., Springfield Hospital or Crozer-Chester Medical Center).

Outpatient services include nutrition counseling, allergy injections, physical examinations, gynecological and contraceptive services, sexually transmitted infection (STI) screening and counseling, reproductive health services, travel information and readiness, and wellness information, including referral for massage and other complementary services.

Students have the right to expect that all aspects of care will be treated as confidential. Unless permitted by law, information is not shared with parents or family medical providers without the explicit permission of the student. In the case of threat to life of self or others, information will be shared with persons listed as emergency contacts as well as with relevant College officials.

Health care staff does not communicate with faculty members or others about missed classes, activities, or assignments. Students must give permission for the Health Center staff to be in touch with the relevant class dean, who will communicate with professors or other relevant community members. These communications indicate that the student is under the care of a medical professional and will be in touch once she/he is ready to resume work or classes. Class deans can help students strategize ways to make up work and to approach faculty members or others about their situation.

All students must be covered by a health insurance plan that meets the minimum requirements established by the College. The College offers an insurance plan for purchase by students who have no other health insurance coverage.

**Student Code of Conduct: Rules & Regulations**

The following is a summary and explanation of the rights, responsibilities, and rules governing student conduct at Swarthmore College. This statement serves as a general
framework and is not intended to provide an exhaustive list of all possible infractions. Students violating any of the following are subject to disciplinary action. All sanctions imposed by the student conduct system must be obeyed or additional sanctions may be levied. For a complete description of the College’s student conduct process, please see the section on Student Conduct Policies and Procedures.

❖ Alcohol and Other Drugs Policy

The unlawful possession, use, purchase, or distribution of alcohol on College property or as part of any College activity is prohibited. The unlawful possession, use, purchase, or distribution of illicit drugs, controlled substances (including stimulants, depressants, narcotics, or hallucinogenic drugs), or paraphernalia—or the misuse of prescription drugs, including sharing, procuring, buying, or using in a manner different from the prescribed use, or by someone other than the person for whom it was prescribed—is prohibited on College property or as part of any College activity.

The overarching priority of the College with respect to alcohol and drugs is to help ensure the safety and well-being of Swarthmore students and comply with all applicable laws. The College is committed to providing guidance so that students can learn to develop a responsible approach to social challenges, including whether to use alcohol, how to do so in moderation, and how to comply with local, state, and federal laws governing alcohol consumption.

The College believes that everyone has the right to work and study in an environment free from the effects of substance abuse and that those individuals who abuse alcohol and other drugs are a danger to themselves and others.

Objectives. The objectives of these policies reflect the College’s desire to create an intentional community based on principles of respect for oneself and others.

The Alcohol and Other Drugs Policy has several objectives:

• to promote the safety and well-being of the Swarthmore community and its members;
• to maintain a safe campus, where students can enjoy their social lives amid a comfortable and coercion-free atmosphere;
• to provide information about alcohol and other drugs so that students can make responsible, healthy choices;
• to provide confidential support for community members seeking treatment for alcohol- and/or drug-related problems; and
• to be in compliance with federal statutes, Pennsylvania laws, and borough ordinances that regulate the consumption of alcohol.

AVAILABLE ASSISTANCE FOR ABUSE PROBLEMS

The College’s Alcohol and Other Drug Counselor and Educator in cooperation with the Drug and Alcohol Resource Team (DART) provides mandatory training sessions during orientation each year to educate students about the ramifications of drug and alcohol use and to help students identify substance-abuse problems in themselves and their friends.
Alcohol and drugs can interfere with academics, friendships, jobs, family, and, most importantly, one’s health, as well as create legal problems including warnings, citations, arrest, and jail.

Students needing help responding to alcohol or drug problems are encouraged to speak with Health Center personnel, Counseling & Psychological Services (CAPS) counselors, deans, and/or resident assistants (RAs). These professionals can help review the situation and make referrals to outside agencies or inside resources that respond to alcohol and drug abuse.

HEALTH RISKS
All drugs, including alcohol, can cause marked changes in behavior and have side effects. Their influences can affect the safety and well-being of the users as well as those around them.

Alcohol is a central nervous system depressant that is absorbed into the blood stream and transmitted to all parts of the body. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that a driver will be involved in an accident. Low to moderate doses reduce physical coordination and mental alertness, while increasing the incidence of aggressive behavior. Moderate to high doses of alcohol drastically impair an individual’s ability to function, sometimes rendering them unconscious. Long-term drinking of large quantities of alcohol can increase the risk of developing liver and heart disease, circulatory and stomach problems, various forms of cancer, and may cause irreversible brain damage.

Illicit drugs can interfere with important brain activities, including coordination, memory, and learning. They increase the risk of lung cancer, destroy liver cells, initiate severe weight loss, and may weaken the immune system. Users may also experience abdominal pain, nausea, vomiting, rapid heartbeat, and irregular breathing. Convulsions, coma, and death are also possible. Combining drugs can be fatal.

See Appendix I: Controlled Substances — Uses and Effects for more information.

REGULATION OF ALCOHOL AT SWARTHMORE
The presence of alcoholic beverages on campus is limited in two ways. First, it is limited by federal, state, and borough laws, including those summarized below. Second, College rules specify the circumstances under which alcohol may legitimately be served on campus.

ALCOHOL AND DRUG AMNESTY (AOD AMNESTY)
Swarthmore College seeks to remove any barriers to reporting incidents of sexual assault and/or harassment and for providing assistance to students in need of medical attention. The College will generally offer any student, whether the complainant or a third party, who reports sexual assault or harassment limited immunity from being charged for policy violations related to the personal ingestion of alcohol or other drugs, provided that any such violations did not and do not place the health and safety of any person at risk. The College may choose, however, to pursue educational or therapeutic remedies for those
individuals. Additionally, the College recognizes that there may be situations in which students would be in need of swift medical assistance for themselves or others, as a result of alcohol and/or drug use. The College expects each student to share in the safety and wellbeing of their fellow students and to seek out assistance from College officials (Public Safety, Resident Advisors, Dean’s Office Staff) and/or medical emergency services through 911, without fear of College disciplinary action.

Under the College’s Alcohol and Drug Amnesty policy, neither the student in need nor the student or student organization requesting assistance will ordinarily be subject to disciplinary action as a result of a violation of the Alcohol and/or Drug Policy.

Though a student or student organization participating in the College’s AOD Amnesty policy will not normally be subject to disciplinary action, they will be required to meet with a College official to discuss the incident and/or participate in a College educational program. In order to avoid a disciplinary consequence, the student(s) involved in the AOD Amnesty policy will need to meet with the College’s Alcohol and Other Drugs Counselor & Educator and comply with any suggested recommendations. Information discussed in any session with the Alcohol and Other Drugs Counselor & Educator is considered confidential. Failure to meet with the College’s Alcohol and Other Drugs Counselor & Educator and comply with any recommendations will result in the reinstatement of the College disciplinary process for this incident and/or further sanctions from the College.

Although a student involved in the AOD Amnesty program may not submit to disciplinary action from the College for an incident, they should be aware that a AOD Amnesty incident could be taken into consideration, should they be found responsible for any other student conduct incidents in the future.

The AOD Amnesty policy only applies to violations of the College’s Alcohol and/or Drug policy and does not apply to other violations of the Student Code of Conduct. In incidents where other violations of the Student Code of Conduct have occurred (e.g., assault, hazing, harassment, vandalism), one’s decision to call for assistance for an individual in need of medical attention may be considered a mitigating factor in any disciplinary process (similarly, one’s failure to request medical assistance for someone in need may be considered an aggravating factor in any disciplinary process).

Students who participate in the College’s AOD Amnesty policy are not immune from any legal or other law enforcement actions that may result from any given incident.

**COLLEGE DISCIPLINARY SANCTIONS REGARDING VIOLATIONS OF THE ALCOHOL AND OTHER DRUGS POLICY**
The College will impose disciplinary sanctions on students (consistent with the local, state, and federal laws described below) for violations of the Alcohol and Other Drugs Policy. Disciplinary action, including, but not limited to, warnings, fines, probation,
suspension, expulsion, or referral for prosecution may result from any of the following violations:

- the possession or consumption of alcoholic beverages by anyone under 21 on property owned, leased, or controlled by Swarthmore College;
- the furnishing of alcoholic beverages to individuals under the age of 21;
- the consumption, possession, or furnishing of hard alcohol at registered campus events;
- the use of common sources of hard alcohol, especially punches and party bowls;
- engaging in or coercing others into activities, games, and/or other behaviors designed for the purpose of rapid ingestion or abusive use of alcohol (e.g., use of paraphernalia such as funnels, keg stands, “around-the-world” parties, flip cup, quarters, beer pong, Beirut, power hour, and other alcohol consumption based on speed and/or volume, etc.);
- the sale, possession, production, purchase, distribution, or use of any controlled substance or illegal drug on College premises or at College-sponsored activities;
- abuse or illegal distribution of prescription medication;
- violent acts against persons or property;
- drunkenness and disorderly conduct;
- driving under the influence;
- the use of grain alcohol; and
- the violation of rules governing the permitted use of alcohol at College events.

Note: Sanctions may be assessed against individuals and organizations, as well as guests and their host.

Violations of the Alcohol and Other Drugs Policy regarding both individual behavior and party guidelines will be referred to the director of student conduct for review, adjudication, and referral when appropriate. If a student presents at Worth Health Center due to intoxication or drug use, she/he will be referred to the alcohol and other drugs counselor. Organizations may also be found to be in violation of these policies.

Penalties will depend on the nature of the violation. First violation: a warning and referral to the alcohol and other drugs counselor (minimum penalty). Second violation: probation and/or a requirement to attend an alcohol education program. Subsequent violations: suspension, expulsion, and penalties imposed by outside authorities. Fines may be imposed for any violation to cover expenses related to repair or replacement of damaged items or for cleanup.

**LOCAL, STATE, AND FEDERAL LEGAL SANCTIONS**

A student who violates the College’s Alcohol and Other Drugs policy is subject both to the College’s sanctions and to criminal sanctions provided by federal, state, and local law.

**The Drug-Free Schools and Communities Act.**

In 1989, the federal government adopted the Drug-Free Schools and Communities Act. As a condition of receiving federal grants, the College must certify that it is in compliance with this law. This means that underage drinking is not only a violation of
state law, but also a violation of College policy and will be sanctioned under the College’s student conduct system.

**Alcohol.** Under Pennsylvania state law, a person less than 21 years of age may not purchase, consume, possess, or transport alcohol. Any person convicted of violating this law will have her/his driver’s license suspended for ninety (90) days. A second offense will result in a one-year suspension of driving privileges and a fine up to $500. Additionally, any person who intentionally provides alcohol to a person less than 21 years of age is guilty of a misdemeanor of the third degree, which carries a fine of at least $1,000 for the first (1st) offense.

Pennsylvania state law allows a driver to be considered intoxicated and charged with driving under the influence (DUI) if she/he has symptoms of intoxication and a blood-alcohol content (BAC) greater than 0.08 percent. A BAC of 0.08 percent can be obtained by consuming a little less than one (1) drink per hour. A driver will be charged with DUI if her/his BAC exceeds 0.08 percent.

Additionally, Pennsylvania state law penalizes public drunkenness and defines it as: “A person is guilty of a summary offense if he/she appears in any public place manifestly under the influence of alcohol to the degree he/she may endanger himself/herself or other persons or property, or annoy persons in his/her vicinity.” It is also a violation of Swarthmore Borough Ordinance 759 to be found in a drunken or intoxicated condition under circumstances tending to disturb the neighborhood or to cause a breach of the public peace. Swarthmore Borough police will enforce these laws on and off campus.

**Drugs.** Both federal and state laws impose sanctions for the possession, use, and distribution of illegal drugs. The sanctions for any given offense depend on the type and quantity of the drug involved and whether the offense is possession, use, or distribution.

Under federal law, simple possession of a controlled substance carries a penalty of imprisonment for up to one (1) year, plus a minimum fine of $1,000. If the controlled substance contains a cocaine base and the amount exceeds five (5) grams, the first-time offender will be imprisoned for not less than five (5) years and not more than twenty (20) years and fined. Also under federal law, any person 18 or more years old who distributes drugs to anyone under age 21 will be imprisoned or fined, or both, up to twice what is otherwise provided by law, with a minimum prison sentence of one (1) year. This same penalty applies to any person who distributes or possesses with intent to distribute drugs to anyone within 1,000 feet of a college campus.

Pennsylvania law imposes similarly strict sanctions on the unlawful use, possession, and distribution of drugs. In addition to imposing fines and imprisonment for violation of its drug laws, Pennsylvania will seize all of the violator’s property that was used in committing the crime.

**STATE AND FEDERAL SANCTIONS**

The following is a summary description of the legal sanctions under state and federal law for the unlawful possession or distribution of illicit drugs and alcohol.
1. Drugs—state penalties and sanctions for illegal possession, sale, or delivery of a controlled substance:

   a. The Controlled Substance, Drug, Device and Cosmetic Act, 35 P.S. § 780-101 et seq. sets up five schedules of controlled substances based on potential for abuse, dangerousness, and medical uses. The act prohibits, among other things, the manufacture, distribution, sale, or acquisition by misrepresentation or forgery of controlled substances except in accordance with the act, as well as the knowing possession of controlled substances unlawfully acquired. Penalties for first-time violators of the act range from thirty (30) days imprisonment, a $500 fine, or both, for possession or distribution of a small amount of marijuana or hashish, but which was not for sale, to fifteen (15) years imprisonment, a $250,000 fine, or both, for the manufacture or delivery of a schedule I or II narcotic.

   Fines and terms of imprisonment may be doubled under certain circumstances, including the distribution of a controlled substance to a person under 18 years of age or a conviction for a second or subsequent offense.

   b. 18 Pa. C.S. §§ 6314, 6317. A person over 18 years of age who is convicted for violating the Controlled Substance, Drug, Device and Cosmetic Act shall be sentenced to a minimum of at least one (1) year total confinement if the delivery or possession with intent to deliver of the controlled substance was to a minor. If the offense is committed within 1,000 feet of the real property on which is located a public, private, or parochial school or a college or university or within 250 feet of the real property on which is located a recreation center or playground or on a school bus (“drug free school zones”), the person shall be sentenced to an additional minimum sentence of at least two (2) years total confinement. Such offenses not involving minors in drug-free school zones are subject to a mandatory minimum of two (2) years of total confinement.

   c. The Pharmacy Act of 1961, 63 P.S. § 390-8 prohibits, among other things, procuring or attempting to procure drugs by fraud, deceit, misrepresentation, or subterfuge or by forgery or alteration of a prescription. The first offense is a misdemeanor, with a maximum penalty of one (1) year of imprisonment, a $5,000 fine, or both. For each subsequent offense, the maximum penalty is three (3) years of imprisonment, a $15,000 fine, or both.

   d. The Vehicle Code, 75 Pa. C.S. § 3802 et seq. prohibits driving, operating, or being in actual physical control of the movement of a vehicle while under the influence of alcohol or a controlled substance, or both, if the driver is thereby rendered incapable of safely driving, operating, or being in actual physical control of the movement of the vehicle or if the alcohol concentration in the individual’s blood or breath exceeds the stated limits. Penalties for first-time violators of the act range from a mandatory term of six (6) months’ probation, a $300 fine, or both, to a maximum of seventy-two (72) hours’ imprisonment, a $5,000 fine, or both. Penalties for subsequent violations increase to a maximum of not less than one (1) year imprisonment, a $10,000 fine, or both. In addition to the above penalties, the court has discretion to order any or all of the following: highway safety training, drug or alcohol treatment, community service, attendance at a
victim-impact panel, use of an ignition interlock device, and/or suspension of operating privileges.

2. Drugs—federal penalties and sanctions for illegal possession or trafficking of a controlled substance:

   a. 21 U.S.C.S. § 844(a). For the first conviction: up to one (1) year of imprisonment and fine of at least $1,000, or both. After one (1) prior drug conviction: at least fifteen (15) days’ imprisonment, not to exceed two (2) years, and fine of at least $2,500. After two (2) or more prior drug convictions: At least ninety (90) days’ imprisonment, not to exceed three (3) years, and fine of at least $5,000.

   The special sentencing provisions for possession of flunitrazepam (the “date rape drug”) include imprisonment not to exceed three (3) years and fine of at least $1,000.

   The special sentencing provisions for possession of a mixture or substance that contains a cocaine base (i.e., crack) are: a mandatory minimum of at least five (5) years’ imprisonment, not to exceed twenty (20) years, and fine of at least $1,000, if: (i) this is a first (1st) conviction and the amount possessed exceeds five (5) grams; (ii) this is a second (2nd) conviction and the amount possessed exceeds three (3) grams; or (iii) this is a third (3rd) or subsequent conviction and the amount possessed exceeds one (1) gram.

   In addition to the above penalties, the court has discretion, upon conviction, to order a fine in the amount of the reasonable costs of the investigation and prosecution of the offense.

   b. 21 U.S.C.S. §§ 853(a) and 881(a). This statute allows for the forfeiture of personal and real property used, or intended to be used, to possess or to facilitate possession of a controlled substance if that offense is punishable by more than one (1) year of imprisonment (see special sentencing provisions above for cocaine-based drugs, such as crack).

   Additionally, this allows for the forfeiture of money, controlled substances, drug paraphernalia, firearms, books and records, vehicles, boats, aircraft or any other conveyance used, or intended to be used, to transport or facilitate the transportation, sale, receipt, possession, or concealment of a controlled substance or any raw materials, products, or equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting any controlled substance.

   c. 20 U.S.C.S. § 1091(r). A student who has been convicted of any offense under any federal or state law involving the possession or sale of a controlled substance for conduct that occurred during a period of enrollment for which the student was receiving any grant, loan, or work assistance under federal law, shall not be eligible to receive any grant, loan, or work assistance during the period beginning on the date of such conviction and ending after the interval specified as follows. If convicted of an offense involving the possession of a controlled substance: first (1st) offense, the student is ineligible for one (1) year; second (2nd), offense, the student is ineligible for two (2) years; third (3rd) offense, the student is ineligible indefinitely. If convicted of an offense involving the sale
of a controlled substance, the penalty for the first (1st) offense is an ineligibility period of two (2) years; the penalty for a second (2nd) offense is ineligibility for an indefinite period.

A student whose eligibility has been suspended under the above paragraph may resume eligibility before the end of the ineligibility period if (a) the student satisfactorily completes a drug rehabilitation program that (i) complies with such criteria as prescribed by regulations and (ii) includes two (2) unannounced drug tests; (b) the student successfully passes two (2) unannounced drug tests conducted by a drug rehabilitation program that complies with such criteria as prescribed by regulations; or (c) the conviction is reversed, set aside, or otherwise rendered not valid.

d. 21 U.S.C.S. § 862. The following penalties are for possession of a controlled substance. Penalties are increased for trafficking. Denial of federal benefits, such as grants, contracts, loans, and professional and commercial licenses, up to one (1) year for the first (1st) offense and up to five (5) years for the second (2nd) and subsequent offenses.

e. 18 U.S.C.S. § 922(g). Under this statute, one who is an unlawful user of, or addicted to, controlled substances is ineligible to own or possess firearms or ammunition.

f. Miscellaneous statutes. Revocation of certain federal licenses and benefits, e.g., pilot licenses, public housing tenancy, etc., are vested within the authorities of individual federal agencies.

g. See the chart describing Federal Trafficking Penalties attached to this handbook as Appendix II for additional information.

3. Alcohol—state penalties and sanctions for illegal possession or other violations:

The Pennsylvania Liquor Code, 47 P.S. § 1-101 et seq., controls the possession and sale of alcoholic beverages within the commonwealth. The code (in conjunction with portions of the Pennsylvania statutes pertaining to crimes and offenses involving minors, 18 Pa. C.S.A. § 6307 et seq.) provides as follows:

a. It is a summary offense for a person under the age of 21 to attempt to purchase, consume, possess, or knowingly and intentionally transport any liquor or malt or brewed beverages. The penalty for a first (1st) offense is suspension of driving privileges for ninety (90) days, a fine up to $300, and imprisonment for up to ninety (90) days; for a second (2nd) offense, suspension of driving privileges for one (1) year, a fine up to $500, and imprisonment for up to ninety (90) days; and for a subsequent offense, suspension of driving privileges for two (2) years, a fine up to $500, and imprisonment for up to ninety (90) days. Multiple sentences involving suspension of driving privileges must be served consecutively.

b. It is a crime intentionally and knowingly to sell or intentionally and knowingly to furnish or to purchase with the intent to sell or furnish, any liquor or malt or brewed beverages to any minor (under the age of 21). “Furnish” means to supply, give, or
provide to, or allow a minor to possess on premises or property owned or controlled by
the person charged. The minimum fine for a first (1st) violation is $1,000; $2,500 for
each subsequent violation; and imprisonment for up to one (1) year for any violation.

c. It is a crime for any person under 21 years of age to possess an identification
card falsely identifying that person as being 21 years of age or older, or to obtain or
attempt to obtain liquor or malt or brewed beverages by using a false identification card.
The penalty for a first (1st) offense is suspension of driving privileges for ninety (90)
days, a fine up to $300, and imprisonment for up to ninety (90) days; for a second (2nd)
offense, suspension of driving privileges for one (1) year, a fine up to $500, and
imprisonment for up to one (1) year; and for a subsequent offense, suspension of driving
privileges for two (2) years, a fine up to $500, and imprisonment for up to one (1) year.

d. It is a crime intentionally, knowingly, or recklessly to manufacture, make, alter,
sell, or attempt to sell an identification card falsely representing the identity, birth date, or
age of another. The fine is up to $2,500 for the first (1st) violation; up to $5,000 for
subsequent violations; and imprisonment for up to two (2) years for any violation.

e. It is a crime knowingly to misrepresent one’s age to obtain liquor. Penalties are
as stated in (c) above.

f. It is a crime for any person to appear in any public place manifestly under the
influence of alcohol to the degree that she/he may endanger herself/ himself or other
persons or property, or annoy persons in her/his vicinity. The penalty is a fine up to $300
and imprisonment for up to ninety (90) days.

g. It is a crime knowingly, willfully, and falsely to represent that another is of
legal age to obtain liquor or malt or brewed beverages. The penalty is a minimum fine of
$300 and imprisonment for up to one (1) year.

h. It is a crime to hire, request, or induce any minor to purchase liquor or malt or
brewed beverages. The penalty is a minimum fine of $300 and imprisonment for up to one (1) year.

i. Sales without a license or purchases from an unlicensed source of liquor or malt
beverages are prohibited.

j. It is unlawful to possess or transport liquor or alcohol within the commonwealth
unless it has been purchased from a Pennsylvania State Liquor Store or in accordance
with Liquor Control Board regulations.

Assault, endangerment, or infliction of physical harm

Physical restraint, assault, or any other act of violence or use of physical force against
any member of the community, or any act that threatens the use of physical force is
forbidden. Conduct—whether reckless or intentional—that a person knows, or which any
reasonable person under the circumstances would know, places oneself or another at risk
of bodily harm is subject to disciplinary action, whether or not the risk is realized. The
director of student conduct, in consultation with the dean of students, will review the conduct and the circumstances in which it occurred and decide whether it falls under a minor or major adjudication, or to refer it to the College Judicial Committee for adjudication. The more reckless the conduct and the greater the risk of serious bodily harm and/or the greater the actual bodily harm caused, the greater the likelihood of a severe sanction.

**Banners, Chalking, and Posters**

**Banners.**
Banners may only be hung on Clothier Hall’s façade facing Parrish Beach, Cosby Courtyard, or Sharples Dining Hall. Banners hung elsewhere, including on Parrish Hall, will be removed. The standard maximum duration for banner display is one (1) week; groups are limited to one (1) banner reservation per month. Priority is given to student organizations or community-wide events (e.g., Winter Formal, Large-Scale Event, Jamboree, etc.).

Requests for banner space must be made to the Student Activities Office five (5) business days in advance of the requested starting display date. All banner designs must be reviewed by the Student Activities Office prior to installation. Once approved, students must deliver their banner to the Facilities Service Building by 2:00 p.m. on the Friday before the start of the reservation to ensure their banner is hung according to the schedule. Installations will not occur on weekends.

Banners must be no more than 8-feet wide and no more than 5-feet tall; made of vinyl or durable plastic or color-fast printed/painted fabric (hemmed); grommets should be present on the banner corners to ensure secure attachment to the wall; and a few short slits should be cut in the banner to inhibit the wind from catching and ripping the material.

Banners will be taken down by facilities on Monday mornings, and students must retrieve their banner from facilities no later than noon the following day. Failure to do so could result in banner disposal. Students acknowledge that a banner is at risk of being stolen, and the College is not responsible for such loss or damage. Free speech guidelines and policies apply to all banner spaces. Harassing, demeaning, uncivil expression, or threats of violence, whether anonymous or signed, will not be permitted. External advertisements and solicitations are prohibited.

**Chalkings.**
Chalkings, by their very nature, are meant to be impermanent. Chalkings are permitted only on paved, outdoor walkways that are open to the rain. Walkways under porches or archways and vertical surfaces may not be used, and such chalkings will be washed away. Science Center outdoor blackboards are meant for dynamic use, being used while members of the community are present. Harassing, demeaning, uncivil expression, or threats of violence, whether anonymous or signed, will be washed away or removed without notice. Questions about particular chalkings or postings should be directed to the Student Activities Office.
Posters.
All advertisements, flyers, notices, etc., constitute posters and may only be posted on public bulletin boards. Outdated posters must be promptly removed; anyone may remove outdated posters from public boards.

Recommended posting spots include the post office boards, bathroom stalls (not in the general room), residence hall bulletin boards, Sharples boards and tabling, and Clothier in Tarble boards. Masking or painter’s tape is approved for use for securing the posters—duct tape is not allowed. Posters may not be placed on light posts, trash cans, buildings, walls, floors, doors, windows in doors, walkways, bike racks, hand rails, stairs, or trees, nor may they be placed on the assigned group bulletin boards in Parrish without permission from the group.

Posters need to be “signed” with a recognized student organization or the individual name of a matriculated student. No mentions or images of alcohol are allowed. If posters do not conform to these rules, they may be removed, and the individual or group may be fined or held financially responsible for damage.

Bullying and Intimidation

Bullying. Bullying includes any intentional electronic, written, verbal, or physical act or a series of acts of physical, social, or emotional domination that cause physical or emotional harm to another student or group of students. Bullying conduct may not only cause a negative effect on individuals targeted, but also others who observe the conduct. Bullying conduct is severe, persistent, or pervasive and has the effect of doing any of the following:
   (i) substantially interfering with a community member’s education, employment, or full enjoyment of the college;
   (ii) creating a threatening or intimidating environment; or
   (iii) substantially disrupting the orderly operation of the College. Bullying is prohibited, and participating in such acts will result in disciplinary action.

Intimidation. Intimidation is any verbal, written, or electronic threats of violence or other threatening behavior directed toward another person or group that reasonably leads the person(s) in the group to fear for her/his physical well-being constitutes intimidation, is prohibited, and will result in disciplinary action.

Anyone who attempts to use bullying or intimidation to retaliate against someone who reports an incident, brings a complaint, or participates in an investigation in an attempt to influence the judicial process will be subject to disciplinary action.

When bullying or acts of intimidation occur in the context of intimate-partner violence or when the behavior is perpetrated on the basis of sex or gender, the conduct will be resolved under the Sexual Assault and Harassment Policy.

Disorderly Conduct

Students at Swarthmore College have the right to express their views, feelings, and
beliefs inside and outside the classroom and to support causes publicly, including by
demonstrations and other means.

These freedoms of expression extend so far as conduct does not impinge on the rights of
other members of the community or the orderly and essential operations of the College.
Disorderly conduct is not permitted.

Violation of the orderly operation of the College includes, but is not limited to:
1. Excessive noise, which interferes with classes, College offices, residence hall
neighbors, or other campus and community activities;
2. Unauthorized entry into or occupation of a private work area;
3. Conduct that restricts or prevents faculty or staff members or student employees
from performing their duties, including interruption of meetings, classes, or events;
4. Failure to maintain clear passage into or out of any College building or
passageway; and
5. Failure to disperse when a building, office, or campus space is closed.

Events and Parties

The College defines an event as an academic, intellectual, cultural, and/or social
gathering, which is open to all, current Swarthmore students, in a designated campus
space in which alcohol may/may not be present for the entirety of the event. Funds and
approval for College events can be obtained through the Student Budget Committee
(SBC) and approved through the Student Engagement Office at least one (1) week in
advance of the event.

The College defines a party as a private social function where alcohol may be served, in a
designated campus party space and more than thirty (30) students are present. Under no
circumstances may any College funding be used to purchase alcoholic beverages.

A College party may be held on or off campus and may only be sponsored by
Swarthmore students. All parties held on campus are automatically subject to this policy.
If held off campus, a party becomes subject to this policy if either of the following
conditions are met:
1. College funds or funds from the Social Affairs Committee (SAC) of Student
Council or the SBC, or from any approved student organization, are used in whole or in
part to sponsor the event. This includes expenses that are reimbursed at a later time.
2. The social function is broadly advertised on campus in such a way as to invite
student attendance. This includes verbal, written, or electronic personal invitations to
individual students.

Social functions (with alcoholic beverages) are divided into the following two types:
1. All-College Events: Individual students or student organizations may apply to
SAC to obtain funds to assist in sponsoring an All-College event, to be held by those students or student organizations. SAC meets weekly to review event proposals and allocate funding. Under no circumstances may any College funding be used to purchase alcoholic beverages. There may not be a charge for All-College events, and they must be open to all members of the student body. It is customary to admit those with Tri-College ID and personal guests with proper ID, but that is at the discretion of the hosts.

2. **Fundraisers**: Students holding an event to raise funds for a nonprofit or humanitarian cause may advertise that donations are encouraged, but they must not serve as an entry fee to the event. Advertisements for the event may mention that it is a fundraiser. No amounts of the donations may be used to purchase alcohol.

**Authorized campus locations and times.** Students over the age of 21 are permitted to possess and consume alcohol in their own residence hall rooms without special approval, provided fewer than thirty (30) people are present; beer is not served from a keg; and there is no disorder. Designated campus party locations may be authorized by a member of the Dean’s staff.

Alcoholic beverages are specifically excluded at all athletic contests or related events. Alcoholic beverages may not be served at parties or other events that take place during orientation periods, vacation periods, reading days, or final examination periods.

**Duration:** Social functions are expected to begin and end at a reasonable, specified time. In general, functions may not exceed four (4) hours in duration and should end no later than midnight Sunday through Wednesday and by 2 a.m. for Thursday through Saturday night events. Thursday parties lasting beyond midnight must be in non-residential party spaces. Undue noise or unwanted guests may nullify previous agreements.

**Alcohol Permits:** After reserving space for a social function, the student must register the function by obtaining and submitting an Alcohol Permit from the Office of Student Engagement. An Alcohol Permit is required if: a) there are more than thirty (30) people will attend; b) there is a keg; or c) the party will be held in Paces or Olde Club. This permit must indicate the name of two (2) responsible hosts who must be at least 21 years of age and one of whom must have TiPS Training. Alcohol Permits are due at least one (1) week in advance of the proposed party. Alcohol that is present at the party and not included on the Alcohol Permit will result in a referral to the College disciplinary process. No Alcohol Permits will be issued during New Student Orientation, vacation periods, reading days periods, or final examination periods. Detailed instructions for hosting a private party may be obtained from the Student Activities Office.

**Publicizing:** Private parties may not be advertised on campus. These events are by invitation only. However, all Student Activities funded events are required to be publicized on campus and must be open to all students. Generally, advertising is permitted for any party that is open to all students and is free of charge. Advertising (posters, flyers, chalkings, table tents, email, written, and verbal invitations) for All-College social functions must NOT refer to availability of alcoholic beverages, either graphically or in words. If there is any question as to whether or not some form of advertising meets this criterion, it should be cleared in advance with a dean, the alcohol
and other drugs counselor, or the Student Activities Office. A $50 fine will be imposed for any illegal advertising or inappropriate signs.

**Host Responsibilities**: By signing the party permit, the hosts agree to be responsible for compliance with party guidelines before, during, and following the event; they will be held accountable for any violations. Failure to obtain a permit and display it at the event will result in the illegal party being closed down. Both party hosts must meet with SwatTeam representatives before the party can begin. In addition, the Dean’s Office may subject the hosts to further sanctions.

**During the Party**: While the social function is in progress and when alcoholic beverages are available (whichever is longer), the hosts and SwatTeam must be in attendance, at all times. It is ultimately the responsibility of the hosts to regulate the serving of alcoholic beverages and to observe all College guidelines regarding social events. Failure to provide the proper number of SwatTeam members for a party will result in the function being shut down.

*The serving of alcoholic beverages must be controlled responsibly to:*

1. **Refrain from serving alcoholic beverages to underage persons;**
2. **Prohibit non-Tri-College persons, except authorized guests, from entering the party;** and
3. **Prohibit visibly intoxicated persons from obtaining alcoholic beverages at the party.**

It is the responsibility of the host(s) to ensure that the following regulations are adhered to:

1. The Alcohol Permit must be displayed clearly for the duration of the event, and hosts must indicate what type/how much alcohol is being served on the permit. If the permit is not displayed, the party cannot begin.
2. SwatTeam/ID checkers must be stationed at the doors to regulate entry into the party and to ensure that alcoholic beverages are not carried out of the party. Guests over the age of 21 will be provided a wristband indicating they are of the legal drinking age.
3. A Swarthmore student is generally permitted to bring one (1) non-College guest to a party (this includes Tri-Co students as well). For private parties, the hosts must generate a guest list to be provided to the SwatTeam members before the party begins. Failure to produce such list will result in guests not being allowed into the space. The guest and the student responsible for the guest must sign in at the door. Bryn Mawr and Haverford students are usually welcome to Swarthmore events; they must bring ID and are not allowed to bring a guest. Faculty and staff members are not permitted to attend student parties unless attendance is required for a job-related function.
4. Signs must be posted at all times during a party at which alcoholic beverages are served stating, “You must be 21 years of age to consume alcoholic beverages in the Commonwealth of Pennsylvania.”
5. At any social function where alcoholic beverages are served, alternative
nonalcoholic beverages must be served at the same location with equal prominence. These alternative beverages will include drinks such as cider, sparkling grape juice, soda, or water that are appealing to a wide variety of tastes.

6. At any social function where alcoholic beverages are served, substantial food, such as fruits, vegetables, and/or pretzels, must also be served.

7. If non-alcoholic beverages or food run out during the course of the party, alcoholic beverages may no longer be served.

8. There is to be no smoking at indoor parties.

If, in any event, the hosts are unable to uphold the guidelines and keep the party under control, they should call the Office of Public Safety at ext. 8333. Public Safety officers are free to enter registered and unregistered parties, at any time.

**After the Party:** Cleanup is the responsibility of the host(s) or sponsoring organization and must be done immediately following the event. The College will impose a monetary fine, ranging from a minimum of $50 to several thousand dollars (depending on the scope of the damage) for failure to comply with agreements regarding space cleanup and/or destruction to College property. In addition, hosts and/or sponsoring student organizations will be help responsible for any damages to the facility or equipment in that space.

**SwatTeam:** A student-sponsored event with more than thirty (30) people generally should be staffed by SwatTeam members to help check IDs, provide crowd control, and serve as a liaison to public safety in the event that safety issues should arise. SwatTeam will be delegated to parties and assigned specific duties by the Student Activities Office and SwatTeam Managers, based upon the size and scale of the party:

- **Fraternity Houses:** 7 SwatTeam members
- **Olde Club:** 6 SwatTeam members
- **Pace’s Cafe:** 6 SwatTeam members
- **Dorm Lounges:** 2 SwatTeam members

SwatTeam members are required to be present and on the scene in order for a party to be held. However, the event remains that of the host and the hosts are ultimately responsible for what happens during their event. SwatTeam members are also responsible for checking in with the party hosts at least twice during the evening. In the event that event/party protocol is not being followed and/or an emergency arises, SwatTeam members will be in contact with Public Safety to address the safety issues/concerns.

SwatTeam members will be selected and trained by the Assistant Director of Student Activities and SwatTeam Managers and with the assistance and guidance of the Alcohol and Other Drugs Counselor and Educator and Public Safety. SwatTeam members must wear their SwatTeam t-shirts while working, be paid an hourly fee, and may not consume alcohol before or during the party.
Their duties will include:
1. door/ID-checking, wristbanding guests, and crowd control;
2. refusing entry to visibly intoxicated persons;
3. ensuring that party guidelines (party permits and required food and drink) are followed;
4. support hosts in enforcing non-smoking policies;
5. regulating alcohol that is brought into or taken out of the party (when allowed);
6. enforcing the end time for parties;
7. alerting hosts to visibly intoxicated students;
8. helping obtain escorts for intoxicated persons to the Health Center or to their residences; and
9. contacting public safety if they require assistance or in any emergency situations.

❖ Failure to comply

The College expects students to comply with the directions of law enforcement officers or College officials acting in the performance of their duties.

Furthermore, the College expects students held responsible for Student Code of Conduct violations to fully comply with all disciplinary sanctions imposed by the College. A responsible student’s failure to comply with imposed sanctions or any related directions of a College official in the performance of their duties will be subject to further disciplinary action.

❖ False Representation

A student may not knowingly provide false information or make misrepresentation to any College office. In addition, the forgery, alteration, or unauthorized possession or use of College documents, records, or instruments of identification, forged or fraudulent communications (paper or electronic mail) are prohibited.

❖ Fire safety

Open flames are not permitted in residence halls. Any student with an open flame (e.g., candle, incense, etc.) will be subject to a $500 fine. Students are financially responsible for damages resulting from reckless conduct or violation of College rules regulating residence hall safety.

Tampering, interference, misuse, or destruction of fire safety and fire prevention equipment is prohibited and is a violation of state law. Damage or misuse of fire safety equipment will result in replacement costs plus a minimum $500 fine, and further disciplinary action may be taken. Any student who causes an alarm to be set off for improper purposes is liable for the expenses incurred by the fire department(s) in responding to the alarm. If no individuals accept responsibility when a violation of this policy occurs in a residence hall, all residents of that residence hall are subject to fines and charges for costs incurred by the College and/or fire department(s).

Fire drills are held on a regular basis. Directions for fire drill procedures are posted in
every building. Hallways and stairwells must be kept clear of bicycles, trunks, and furniture, and may not be used for storage. Items impinging on free movement in public spaces, including halls and stairways, will be removed (including cutting locks, when necessary) and their owners may be charged for their removal.

❖ Harassment

Harassment is defined as unwelcome conduct that is based on an individual’s sex, race, color, age, religion, national or ethnic origin, sexual orientation, gender identity or expression, pregnancy, marital status, medical condition, veteran status, disability, or any other College-recognized protected classification. This type of harassment can occur in any form and can be directed at individuals or groups. When appropriate, minor infractions can be resolved informally and with remedial steps, including training, counseling, or mediation. When this harassment harms the person by severely, persistently, or pervasively interfering with the person’s educational opportunities, peaceful enjoyment of residence and community, or terms of employment, it is subject to disciplinary action, up to and including expulsion. In all cases, the College encourages individuals to seek support and assistance as soon as harassing conduct occurs. Before any conduct can be considered for possible formal grievance procedures, it must be clear that no substantial free expression interests are threatened by bringing a formal charge of harassment. If a student has been subject to harassment or discrimination on the basis of a College-recognized protected classification as described above, the student should consult with the Director of Equal Opportunity for guidance.

The College’s Sexual Assault and Harassment Policy applies to all forms of sexual and gender-based harassment and sexual misconduct including sexual violence, assault, stalking, and intimate-partner violence. The full policy can be found here.

If a student has been subject to sexual assault or harassment, the student should consult with the Title IX coordinator for guidance.

❖ Hazing

Hazing by College community members in any form is prohibited, whether the activities occur on or off campus. The College supports and will strictly enforce the Commonwealth of Pennsylvania’s anti-hazing law, Act 175 of 1986.

This law defines hazing as “any action or situation which recklessly or intentionally endangers the mental or physical health of a student or willfully destroys or removes public or private property for the purpose of initiation or admission into or affiliation with, or as a condition for continued membership in any organization operating under the sanction of or recognized as an organization by an institution of higher education. The term shall include but not be limited to any brutality of a physical nature, such as whipping, beating, branding, forced calisthenics, exposure to the elements, forced consumption of any food, liquor, drug, or other substance, or other forced physical activity which could adversely affect the physical health and safety of the individual and shall include any activity which would subject the individual to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct which
could result in extreme embarrassment, or any other forced activity which could adversely affect the mental health or dignity of the individual, or any willful destruction or removal of public or private property.

For the purposes of this definition, any activity as described in this definition upon which the initiation or admission into or affiliation with or continued membership in an organization is directly or indirectly conditioned shall be presumed to be ‘forced’ activity, the willingness of an individual to participate in such activity notwithstanding.” Individuals and/or organizations as a whole found in violation of this policy will be subject to disciplinary action, in addition to any liabilities faced under Pennsylvania’s anti-hazing law.

❖ Retaliation

The College will not tolerate retaliation. Retaliation against any person or group who makes a complaint, cooperates with an investigation, or participates in a resolution process is a violation of College policy. Retaliation can take many forms, including continued abuse or violence, bullying, threats, and intimidation. Any individual or group of individuals, not just a complainant or respondent, can engage in retaliation.

Retaliation should be reported promptly to the senior class dean and director of student conduct and may result in disciplinary action independent of any sanction or interim measures imposed in response to the underlying allegation of misconduct.

❖ Sexual assault and harassment

Swarthmore College is committed to establishing and maintaining a community rich in equality and free from all forms of discrimination and harassment. The College seeks to create an environment in which the greatest academic potential of students and professional potential of employees may be realized. In order to create and maintain such an environment, the College recognizes that all who work and learn at the College are responsible for ensuring that the community is free from discrimination based on sex or gender, including sexual assault, sexual harassment, stalking, and intimate-partner violence. These behaviors threaten our learning, living, and work environments and will not be tolerated.

The College’s Sexual Assault and Harassment Policy applies to all forms of sexual and gender-based harassment and sexual misconduct including sexual violence, assault, stalking, and intimate-partner violence. The full policy is here.

❖ Smoking

Smoking is prohibited in all indoor spaces throughout the College, including meeting rooms, lounges, offices, and residence halls. A $25 fine in addition to other potential penalties, including exclusion from campus housing, will be charged for violating this policy. Altering smoke detectors creates danger for all building occupants and will be met with disciplinary action.
Smoking is allowed outdoors at a minimum distance of 25 feet from all buildings.

- **Theft and vandalism**

Theft and negligent or intentional damage to personal or College property is prohibited, as is possession of stolen property. Repair and replacement costs will be charged to the appropriate students and may warrant College disciplinary action. In the event that damage occurs in residence-hall common space for which no one assumes responsibility, payment for damages will be divided equally among all residents of that hall. Administrative fees will be added if students do not pay the vandalism cost to the resident assistant by the end of the semester.

For damage that occurs during a student event in a space other than a residence hall and for which no individual student(s) accept(s) responsibility, the sponsoring students and/or organization will be held accountable for the money for replacement or repair of the damaged property and may be subject to further disciplinary action.

- **Unauthorized Entry** or Access

Unauthorized entry into or presence within enclosed College buildings or areas, including athletic facilities, construction sites, and student rooms or offices, even when unlocked, is prohibited. Tampering with locks to College buildings, unauthorized possession or use of College keys, and alteration or duplication of College keys is against College policy. Climbing on any College building or College-owned structure or being present on building roofs is not allowed. Participation in any of these activities may subject a student to fines and other sanctions.

- **Unauthorized Use of College Facilities or Services**

Students may not possess College records, official communications, stationery, or other official documents or blank official materials. Personal academic materials such as tests and personal electronic messages belonging to someone else are included in unauthorized possession.

- **Violation of Local, State, or Federal Law**

Whether local, state, federal or (when on foreign study) foreign, violation of the laws of any jurisdiction may at the discretion of the dean subject a student to College disciplinary action. A pending appeal of a conviction shall not affect the application of this rule.

- **Weapons and Fireworks**

No student may possess or use a firearm on Swarthmore College property or its environs. Firearms, including rifles, shotguns, handguns, air guns, and gas-powered guns and all ammunition or hand-loading equipment and supplies for the same, are not allowed. No student may possess or use fireworks, dangerous devices, chemicals, or explosives on Swarthmore College property or its environs. Items such as knives that could be viewed as weapons are forbidden.
Student Conduct Policies & Procedures

The College places great value on freedom of expression, but it also recognizes the responsibility to protect the values and structures of an academic community. It is important, therefore, that students assume responsibility for helping to sustain an educational and social community where the rights of all are respected. This includes conforming their behavior to standards of conduct that are designed to protect the health, safety, dignity, and the rights of all. Community members also have a responsibility to protect the possessions, property, and integrity of the institution as well as of individuals. The aim of Swarthmore College’s Student Code of Conduct is to balance all these rights, responsibilities, and community values fairly.

The College expects all students involved in the College disciplinary process, including witnesses, to participate in the investigation and adjudication of Student Code of Conduct violations. Participation can include providing a written statement and attendance at an interview and/or College student conduct proceeding. If a student feels that they cannot participate in the process, the College expects that the student will provide notice of one’s desire to not participate further in the process.

The Student Conduct process is an administrative process and it is not subject to the same standards as a court of law. Rules of evidence ordinarily found in legal proceedings shall not be applied, nor shall any deviations from these prescribed procedures alone invalidate a decision, unless significant prejudice to a complaint, respondent, or the College may result.

Jurisdiction
Swarthmore College’s policies normally apply to the conduct of matriculated students and any other special or exchange students. These policies apply to conduct occurring on Swarthmore College property or at College-sanctioned events or programs that take place off campus or in the Borough of Swarthmore, Pennsylvania. In situations in which the College becomes aware of a the complainant and respondent are members of the Swarthmore College community, College policies may apply regardless of the location of the incident.

In the event that a student organization violates a College regulation, the organization, as well as its individual members, may be held accountable for the violation and sanctioned by the College. Finally, students should also realize that they have the responsibility to ensure that their guests do not violate College policies, rules, and regulations while visiting and that student hosts may be subject to disciplinary action for misbehavior of their guests.

An allegation against a student may be made to the director of student conduct by another student, a public safety officer, a member of the College’s faculty or staff, or a College department. Allegations involving sexual misconduct will be resolved by the Swarthmore College Sexual Assault and Harassment Policy. Other allegations proceed under the College’s student conduct policies.
After an allegation is received, the director of student conduct will conduct a preliminary review of the information received and determine if the information provided shall result in the initiation of formal disciplinary procedures. Upon review the director of student conduct will determine:

a. whether the allegations of misconduct, if the student were found responsible, would not result in suspension or expulsion from the College, in which case the matter will be handled through the minor misconduct process.

b. whether the allegations, if the student were found responsible, could result in the imposition of a suspension or expulsion from the College, in which case the matter will typically be referred to the College Judiciary Committee (CJC).

If the alleged incident represents a violation of federal, state, or local law, the complainant is encouraged to initiate proceedings in the criminal or civil court system regardless of whether a complaint is filed within the College system.

The dean of the senior class and director of student conduct oversee the College’s student conduct system. Consultation with this dean or any other dean in no way obligates a student to file a formal complaint. Mediation or any other informal method of resolution is not a required step before proceeding with formal adjudication.

In all cases of adjudication covered by this student conduct policy, the Dean of Students Office will keep records of any violation(s) and of the sanction(s), if any, imposed on a student.

In order to verify compliance with the Campus Security Act, all student conduct records are retained for seven (7) years. These records are only released to the authorities to which information must be made available under federal and/or state law or as otherwise required or permitted by law.

Record reporting. Most graduate schools, some employers, and some governmental agencies may require disclosure by the College of a student’s disciplinary findings. Additionally, students who transfer to other colleges or participate in off-campus study programs may also be required to provide such information. With a student’s signed consent or as otherwise permitted by law, Swarthmore typically only reports findings of probation, suspension, or expulsion. Further, with consent, if a student withdraws from the College with a pending allegation of misconduct, the College will report that information. If a student withholds consent, that withholding may be reported to the school or agency or may have implications for the level of support Swarthmore provides in the application process. Generally, warnings and findings of “not responsible” are not reported.

Student Conduct sanctions

In determining appropriate sanctions when violations of the College’s Student Code of Conduct are addressed, the College’s student conduct system typically attempts to take an educational response. Taking into consideration the interests of the complainant, respondent, and the overall well-being of the College community, a respondent’s present
and past disciplinary record is also taken into consideration. The College will also consider the nature and severity of the offense, injury or harm resulting from the prohibited behavior, and any other factors relevant to the matter in question. The following list of sanctions is illustrative rather than exhaustive, and the College reserves the right to impose other reasonable sanctions or to combine sanctions as it deems appropriate.

**Warning**—A written notification that a violation of the Student Code of Conduct occurred and that any further responsible finding of misconduct may result in more severe disciplinary action. Warnings are typically recorded for internal purposes only and are not considered part of a student’s permanent student conduct record. Though disclosed with a student’s signed consent, a student who receives a warning is still considered in good standing at the College.

**Probation**—A written notification that indicates a serious and active response to a violation of the Student Code of Conduct. Probation is for a designated period of time and includes the probability of more severe sanctions if found responsible for violations of the Student Code of Conduct, including suspension or expulsion from the College. Notification of probation is considered a change in status and will normally be sent to parents.

**Loss of privileges**—Denial of the use of certain College facilities or the right to participate in certain activities or to exercise certain privileges for a designated period of time.

**Restitution**—A student may be required to make payment to an individual or to the College related to the misconduct for damage, destruction, defacement, theft, or unauthorized use of property.

**Fines**—Swarthmore reserves the right to impose fines, as appropriate, in addition to requiring payment for costs resulting from or associated with the offenses.

**Relocation or removal from (College-operated) housing**—Relocation is the reassignment of a student from one living space to another. Removal from housing is the removal of a student from all College-operated housing. Relocation and removal from housing are typically accompanied by the loss of privileges regarding the visitation to specific residential areas for a specified period of time. The College may take such action for remedial, rather than disciplinary purposes.

**Educational requirements/referrals**—The College reserves the right to impose counseling or substance assessments or other required educational sanctions.

**Suspension**—The separation of a student from the College for a specified period of time, after which the student is eligible to return. Conditions for re-enrollment may be required and will be included in the notification of suspension.

During the period of suspension, the student may not participate in College academic or extracurricular activities; may be barred from all property owned or operated by the
College; and depending on the severity of the charge, the student might not be allowed to progress toward completion of their Swarthmore degree by taking courses at other institutions while suspended. Students who are suspended may not be on campus without specific, written permission of the Dean of Students or designee.

Suspension is for a designated period of time and includes the probability of more severe sanctions, including expulsion, if found responsible for violations of the Student Code of Conduct. Notification of suspension will normally be sent to parents, as it results in a change of status.

**Expulsion**—Expulsion is the permanent separation of the student from the College. Students who have been expelled may not be on campus without specific, written permission from the dean of students or designee. Notification of expulsion will normally be sent to parents, as it results in a change of status.

**Interim temporary suspension.** If either the president or the dean of students decides at any point that the safety of a student or of the College is at stake, interim temporary suspension may be imposed against a student who is suspected of violating the Student Code of Conduct or any other rules, regulations, or procedures of the College or otherwise poses a risk to the safety to the campus, until the time student conduct resolution, disciplinary action, or a hearing can be completed. This action assumes no determination of guilt, and the hearing will be held as soon as possible.

**Student Conduct Procedures**

**Minor misconduct process.** Allegations in which possible sanctions do not include suspension or expulsion from the College if the student were found responsible are addressed through the minor misconduct process. A minor misconduct process is typically conducted by the senior class dean and director of student conduct or his designee (hereinafter, referred to as the “student conduct administrator), for investigation and formal resolution. Prior to a meeting with a student conduct administrator, the respondent is encouraged to meet with an adviser made available by and through the College to review the student conduct system, student rights, and potential sanctions.

The student conduct administrator will send the respondent written notification of the allegations of misconduct and the aspects of the Student Code of Conduct that allegedly have been violated and the name, telephone number, and office location of the student conduct administrator. In addition, the respondent will receive the date and time of the scheduled administrative review with the student conduct administrator to adjudicate the matter. During the formal resolution, the respondent will be given the opportunity to review all available information regarding the allegation(s) in question and an opportunity to respond to those allegations. If, during the course of the administrative review with the respondent, the student conduct administrator determines the incident being discussed is more serious than was originally believed, the administrative review will be stopped immediately, and the incident will be referred to the College Judiciary Committee (CJC).

After the administrative review and a review of the information available, including an
opportunity for the respondent to respond, the student conduct administrator will make a determination if the alleged respondent violated the Student Code of Conduct and issue sanctions, as appropriate. Should the respondent fail to attend the administrative review with the student conduct administrator, the student conduct administrator will consider the information available and render a decision regarding the respondent’s responsibility and sanctions, if any.

The minor misconduct process is subject to appeal pursuant to the appeal procedures discussed below.

**Major misconduct process.** Allegation(s) subject to this policy in which possible sanctions could result in suspension or expulsion from the College if the student were found responsible, including all academic misconduct cases, are addressed through the major misconduct process.

*Administrative hearing*—A complaint under the major misconduct process will generally involve a hearing before the College Judiciary Committee (CJC). A complainant or respondent, however, may request resolution through an administrative hearing, in which the student conduct administrator will meet with the complainant and respondent to determine responsibility and render a decision as to what sanctions, if applicable, may be implemented. Both parties must agree to resolution by administrative hearing. Both parties must have notice, the opportunity to review the investigative report in advance, and the opportunity to present relevant information to the student conduct administrator. An administrative hearing is not applicable for cases involving academic misconduct.

An administrative hearing is particularly appropriate when the respondent has admitted to the misconduct and there is no discernible dispute in the relevant facts of the investigation report; however, at the discretion of the student conduct administrator, it may also be used when the facts are in dispute.

In reaching a determination as to whether the pertinent policy has been violated, the student conduct administrator will reach a determination by a preponderance of the evidence—that is, whether the conduct was more likely than not to have occurred as alleged. Depending upon the nature and severity of the allegations, the student conduct administrator may decline to handle the matter administratively and refer the case to the College Judiciary Committee at any time.

**College Judiciary Committee (CJC)**

A complaint under the major misconduct process will be resolved by the College Judiciary Committee (CJC).

The CJC is a review board comprised of faculty, administrators, and students. The CJC consists of five (5) or more faculty members (selected by the Committee on Faculty Procedures), three (3) or more senior administrators (selected by the president), and five (5) or more students (selected by the Student Council appointments process). All CJC members must participate in appropriate training for their responsibilities, including training about non-discrimination, the factors relevant to a determination of credibility,
the appropriate manner in which to receive and evaluate sensitive information, the manner of deliberation, the application of the preponderance of the evidence standard, sanctioning, and the College’s policies and procedures. CJC members who are no longer on the Committee but have been trained may be called to service if current members are not available for a particular hearing.

Each CJC panel to hear a case is comprised of five (5) voting panelists: two (2) faculty members, one (1) administrator, and two (2) students. The CJC Panel is supported by the student conduct administrator (typically the director of student conduct) who will serve as convener/observer.

The student conduct administrator will be present at the CJC meeting but will not be a voting member of the CJC. The student conduct administrator will be available to meet with all involved parties prior to the hearing, be present during the hearing to serve as a resource for the CJC on issues of policy and procedure, and to see that policy and procedure are appropriately followed throughout the hearing.

**Pre-College Judiciary Committee hearing procedures**

1. **Initiation of allegations**

   The College is responsible for investigating complaints of misconduct and determining if the information provided has reached the level of initiating formal student conduct proceedings. The student conduct administrator makes the threshold determination to resolve the allegation through the College Judiciary Committee (CJC) process. If a threshold to hold a CJC hearing is reached, the respondent will be issued a charge letter and provided an opportunity to respond in the course of the investigation, the pre-hearing procedures, and the CJC hearing.

2. **Advisers and support persons**

   **Adviser.** In any CJC hearing, the complainant and respondent have the right to be assisted by a trained adviser, who will be a person made available by and through the College. The adviser may accompany the student to any meeting with a College employee and to the hearing. The adviser may not speak during the hearing.

   **Support person.** A complainant and respondent have the right to request a support person to attend the CJC hearing. The support person must be a member of the current Swarthmore College community (current student, faculty member, or staff member). To serve as a support person, the individual will be required to meet with the student conduct administrator in advance of any participation in the CJC proceedings.

   The support person cannot be a witness in the CJC proceedings. The support person is a silent and non-participating presence who is there solely to observe and provide moral support during the CJC hearing itself. This person is not to address the CJC panel, except to ask for a short recess if one of the parties requires some time to compose her/himself or collect her/his thoughts. The student conduct administrator has the right at all times to determine what constitutes appropriate behavior on the part of a support person and
whether the person may remain at the CJC proceedings. While the support person may be present to hear testimony, no written materials are to be shared with support people.

Absent extenuating circumstances, witnesses and others involved in an investigation or hearing are not entitled to have a support person.

3. Attorney/outside agreements

The College prohibits outside attorneys from actively participating in the CJC proceedings. A complainant or respondent may choose to seek the advice and assistance of any attorney at their own expense, but the attorney may not actively participate in investigatory interviews or any CJC proceedings (formal or informal). Similarly, the College will not recognize or enforce agreements between parties made outside of the CJC procedures.

4. Pre-hearing meeting

When a CJC hearing is deemed necessary based on the review of the information available, the student conduct administrator will contact the complainant and respondent to request individual meetings with each party. At this pre-hearing meeting, each party will receive an explanation of the CJC process and have the opportunity to ask any questions before the hearing occurs. If the complainant and/or respondent have elected to have an adviser throughout this hearing process, the adviser must be present at this initial meeting.

5. Notice of CJC allegation and hearing

A notice of the CJC allegation and hearing will be sent to the respondent. The notice of allegation and hearing provides the respondent with a statement of the policy violation(s) that are alleged to have taken place and a summary of the facts underlying the allegation(s). Where appropriate, a notice will also be sent to a complainant. In addition, the notice provides the parties with the date, time, and place of the CJC hearing, as well as the names of the CJC panel members. If the notice does not include this information, a scheduling letter containing this information will follow the notice.

Typically, the CJC hearing will be scheduled approximately fifteen (15) business days after the notice of hearing is sent. Under extenuating circumstances, this time frame may be extended by the student conduct administrator. Unless requested by all involved parties, a CJC hearing will be scheduled no less than ten (10) business days from the notice of hearing.

6. Composition of the CJC panel

Either the complainant or respondent may submit a written request to the student conduct administrator to remove a member of the CJC if there are reasonable articulated grounds to suspect bias, conflict of interest, or an inability to be fair and impartial. This request must be raised within four (4) business days of receipt of notification of the CJC panel members. All objections must be raised prior to the commencement of the hearing or are
deemed waived. Failure to object prior to the hearing will forfeit one’s ability to appeal the outcome based on perceived or actual bias. The student conduct administrator will ultimately make the determination whether to remove a CJC panel member, which is committed to his or her sole discretion.

7. Review of documents

The respondent will have the opportunity to review all investigative documents, subject to the privacy limitations imposed by state and federal law, at least five (5) business days prior to the hearing, unless the student has requested an expedited hearing, waiving this right. The investigative documents will include any information report(s), witness statement(s), and any other documentary information that will be presented to the CJC panel. Where appropriate a complainant will also be provided these same rights.

8. Witnesses

The complainant, respondent, and CJC panel all have the right to identify witnesses. Witnesses must have observed the acts in question or have information relevant to the incident and cannot be participating solely to speak about an individual’s character.

If either party wishes to identify witnesses, the following must be submitted no later than ten (10) business days before the hearing to the student conduct administrator by email or in hardcopy format:

- the names of any witnesses that either party wishes to identify;
- a written statement and/or description of what each witness observed, if not already provided during investigation;
- a summary of why the witness’ presence is relevant to making a decision about responsibility at the hearing; and
- the reason why the witness was not interviewed, if applicable.

The student conduct administrator will determine if the proffered witness(es) have relevant information.

If witnesses are approved to be present, the respondent and complainant are provided with a list of witnesses and any relevant documents related to their appearance at the hearing no later than five (5) business days before the hearing. All parties have the opportunity to pose questions of witnesses (through the CJC panel), regardless of who identified them to participate.

9. Relevance

The student conduct administrator will review any information report, witness statements, and any other documentary evidence to determine whether the proffered information is relevant and material to the determination of responsibility given the nature of the allegation. In general, the student conduct administrator may redact information that is irrelevant, more prejudicial than probative, or immaterial. The student conduct administrator may also redact statements of personal opinion, rather than direct
observations or reasonable inferences from the facts, and statements as to general
reputation for any character trait, including honesty.

10. Request to reschedule a hearing

A complainant or respondent can request to have a hearing rescheduled. Absent
extenuating circumstances, requests to reschedule must be submitted to the student
conduct administrator at least three (3) business days prior to the hearing.

11. Consolidation of hearings

The student conduct administrator, in his/her discretion, may consolidate multiple reports
against a respondent in one hearing, if the evidence related to each incident would be
relevant and probative in reaching a determination on the other incident.

Additionally, in cases where two or more respondents are allegedly responsible for the
same or related incidents, the student conduct administrator shall have the authority to
direct that the respondents be heard simultaneously as individuals, as a group, or in sub-
groups. All decisions of the student conduct administrator regarding consolidation shall
be final.

College Judiciary Committee (CJC) hearing procedures

1. Attendance at a hearing

If a party misses a hearing for any non-emergency or non-compelling reason, the hearing
may be held in the individual’s absence at the discretion of the student conduct
administrator.

If a respondent chooses to withdraw from the College prior to the conclusion of an
investigation or student conduct resolution under this policy, for non-medical or
disability-related reasons, the student must go through the re-entry process coordinated
by the Dean’s Office and, except where the dean in her/his sole discretion finds
exceptional circumstances, the case must be heard prior to the student’s readmission to
the College.

In an appropriate case, a complainant or respondent may also request participation by
other suitable means that would not require physical proximity to the other party. This
can include, but is not limited to, partitioning a hearing room or using technology, such as
Skype, to facilitate participation. Any proposed alternative must be reviewed in advance
by the student conduct administrator to ensure that it is consistent with the goals of a fair
and equitable process.

2. Participants in College Judiciary Committee (CJC) procedures

The CJC process is closed, meaning it is not open to the public. The complainant, the
respondent, any individuals serving as advisers, identified support persons, and any
individuals who are witnesses may appear during the CJC process. Attorneys are not
3. Safeguarding privacy

All parties involved in the CJC process are required to keep the information learned in preparation for the hearing and at the hearing private. The parties and panel members may not share any copies of documents provided to them with any third parties. All copies provided must be returned to the College at the conclusion of the hearing and any appeals. Any breach of this duty is subject to disciplinary action by the College.

4. CJC procedures

A CJC hearing is intended to provide a full and fair opportunity for each side to present their version of events and for the CJC panel to determine the facts of the case, make a determination regarding the alleged violation(s) of College regulations, and to recommend appropriate educational outcomes and sanctions, if necessary.

The CJC panel is expected to review all information pertinent to the incident in question. Typically, the information to be used at the hearing will be made available for CJC panel members to review (5) business days prior to the hearing. Other relevant information supporting the alleged violation(s) may be offered in the form of the academic work in question, public safety incident reports, written statements, documents, items, or verbal statements from the complainant, the respondent(s), and witnesses.

A hearing will be called to order by the student conduct administrator, who will explain the CJC process and will provide an opportunity for all parties to ask procedural questions prior to initial statements and the presentation of information.

If applicable, an investigator will provide a brief opening statement summarizing the investigation. The opening statement should focus on the areas of agreement and disagreement in order to assist the panelists in prioritizing areas of inquiry. The panelists, complainant, or respondent may make brief inquiries of the investigator at this juncture, as there will be additional opportunity to ask questions of the investigator after the CJC panel has heard from the complainant, the respondent, and any witnesses. With allegations of academic misconduct, the reporting faculty serves as the investigator.

The complainant may present a brief narrative statement, but need not do so. The CJC panel may pose questions to the complainant. The respondent is encouraged to compile a written list of questions that she/he would like to pose to the complainant. The list will be provided to the CJC panel, which will determine the relevance of the questions and ask the complainant those questions deemed relevant and appropriate.

The respondent may also present a brief narrative statement, but need not do so. The CJC panel may pose questions to the respondent. The complainant is encouraged to compile a written list of questions that she/he would like to pose to the respondent. The list will be provided to the CJC panel, which will determine the relevance of the questions and ask the respondent those questions deemed relevant and appropriate.
Witnesses may then be called. Each witness will be permitted to give a brief narrative statement, but need not do so. Each witness will then be questioned by the CJC panel. Under some circumstances, the complainant or respondent may ask to present a list of written questions to the CJC panel, which will determine the relevance of the questions and pose any questions deemed relevant.

At any time the hearing panel may question the investigator, respondent, complainant, or witness(es) if applicable.

At the conclusion of the presentation of all questions, the complainant and respondent will each be given the opportunity to give a brief closing statement.

5. Questioning of witnesses

It is the responsibility of the CJC panel to assure that the information necessary to make an informed decision is presented. CJC panel members may play an active role in questioning all parties and witnesses involved in the case.

Parties and other individuals who offer information at a hearing are expected to respond honestly and to the best of their knowledge. The CJC reserves the right to recall any party or witness for further questions and to seek additional information necessary to make a decision. A complainant, respondent, or witness who intentionally provides false or misleading information may be subject to discipline under this policy.

6. Deliberation

After all of the information has been presented, all parties will be dismissed from the hearing room so that the CJC panel may deliberate in private. The student conduct administrator will remain for deliberations but does not vote. The CJC panel will first try to reach a determination by consensus; but a simple majority vote as to responsibility will suffice.

The findings of the CJC panel will be distributed in writing by the student conduct administrator. The findings will detail the findings of fact and determination of responsibility, making reference to the evidence that led to the finding and will serve as the record of the proceeding. Only the decision on responsibility and where appropriate, sanction, will be shared with the respondent and complainant (if applicable). The vote itself shall not be shared with any parties.

7. Preponderance of the evidence

The CJC panel will determine a respondent’s responsibility by a preponderance of the evidence. This means that the CJC panel will decide whether it is “more likely than not,” based upon the information provided at the hearing, that the respondent is responsible for the alleged violation(s).

8. Sanctions
**Impact statement.** In appropriate cases, the complainant and respondent will each have the opportunity to present an impact statement during their closing statement about the impact of the alleged misconduct and/or requested sanctions. The CJC panel will consider these statements only if the CJC found the respondent responsible for one or more violations.

**Decision.** A CJC panel that finds a student, group, or organization responsible for a violation of the Student Code of Conduct will decide on appropriate educational outcomes and sanctions. The sanctions and educational outcomes may include, but are not limited to, those set forth in the *Student Handbook*. The student conduct administrator may be consulted in determining an appropriate sanction.

Any respondent who is determined to have engaged in any prohibited form of conduct may receive a sanction ranging from a warning to expulsion and appropriate educational requirement.

**Previous record(s).** Records of the respondent’s previous adjudications at the College are made available to the CJC panel only in the case when a responsible finding is achieved and shall be taken into consideration when the CJC panel is determining appropriate sanctions.

When considering sanctions, it is appropriate for the CJC panel to consider precedents from earlier relevant cases, using confidential records provided by the Dean’s Office. Repercussions for violating the terms of the sanction may also be noted in the sanction.

**9. Notice of outcome**

The student conduct administrator will communicate the finding of the CJC panel to the respondent and the complainant (if applicable) in writing. Generally, the outcome of the hearing will be final and communicated to the parties within five (5) business days from the date the hearing is concluded.

The respondent will be informed of the sanction and any educational outcomes, the date by which the requirements must be satisfied (if applicable and permissible by law), and the consequences of failure to satisfy any educational outcomes. The complainant will be informed of the sanction and any appropriate educational outcomes that directly relate to the complainant.

Typically, the imposition of sanctions and educational outcomes will take effect immediately and will not be stayed pending the resolution of the appeal.

**10. Recording of proceedings**

The College will not audio or video record the CJC proceedings or deliberations, nor is any other individual permitted to record the proceedings.

**Appeals**
Respondents or complainants may appeal the determination of responsibility or sanction(s) in writing to the dean of students or her/his designee. The appeal must be filed within five (5) business days of receiving the written notice of outcome.

The complainant and/or respondent may appeal only the parts of the determination of responsibility or sanctions directly relating to them. Dissatisfaction with the outcome of the hearing is not grounds for appeal. The limited grounds for appeal are as follows:

• new evidence that could affect the finding of the hearing and that was unavailable at the time of the hearing;

• procedural error(s) that had a material impact on the fairness of the hearing; and

• the imposed sanctions were grossly disproportionate to the violation committed.

The appeal shall consist of a plain, concise, and complete written statement outlining the grounds for the appeal. Upon receipt of an appeal, the dean of students will notify both parties. Each party has an opportunity to respond in writing to the appeal. Responses to the appeal by either the complainant and/or respondent must be submitted to the dean within five (5) business days from receipt of the appeal.

The appeal will be conducted in an impartial manner by an impartial decision-maker. In any request for an appeal, the burden of proof lies with the party requesting the appeal, as the original determination and sanction are presumed to have been decided reasonably and appropriately. The appeal is not a de novo review.

The dean shall consider the merits of an appeal only on the basis of the three (3) grounds for appeal and supporting information provided in the written request for appeal and the record of the original hearing. The dean can affirm the original findings, alter the findings, and/or alter the sanctions, depending on the basis of the requested appeal. If the appeal is based on procedures not having been followed in a material manner, the dean can ask that a new hearing occur before a newly constituted CJC panel. In the case of new and relevant information, the dean can recommend that the case be returned to the original CJC panel to assess the weight and effect of the new information and render a determination after considering the new facts.

Typically, the dean will communicate the result of the appeal to the student requesting the appeal within ten (10) business days from the date of the submission of all appeal documents by both parties, but the time may be longer or shorter depending on the nature of the case. Appeal decisions are final.

**Records**

The Dean’s Office will retain records of all reports, allegations, and complaints of student misconduct regardless of whether the matter is resolved through informal resolution or formal resolution.

Affirmative findings of responsibility in matters resolved through student conduct
resolution are part of a student’s conduct record. Such records shall be used in reviewing any further conduct or in developing sanctions and shall remain a part of a student’s conduct record.

The conduct files of students who have been suspended or expelled from the College are maintained in the Dean of Students Office for no fewer than seven (7) years after their departure from the College. Further questions about record retention should be directed to the dean of students.

Medical and law schools and some governmental agencies may require disclosure by the College of any student conduct findings. Students who transfer to other schools or participate in off-campus study programs may also be required to provide such information.

At the beginning of the academic year, the director of student conduct will produce a summary of case dispositions reviewing the outcome of all cases that were heard the previous academic year, without revealing the identity of any of the participants in the proceedings.

**Family Educational Rights & Privacy Act (FERPA)**

The Buckley Amendment, also called the Family Educational Rights and Privacy Act of 1974 (FERPA), and related federal regulations establish guidelines protecting the privacy of student records and give a college student the right (subject to certain exceptions) to review her/his “educational records,” and, within forty-five (45) days of formally requesting to do so, to challenge and/or seek to amend the contents if she/he believes the records are inaccurate, misleading, or otherwise in violation of the student’s privacy rights. FERPA also gives students the right to consent to the disclosure of personally identifiable information contained in the student’s education records, except to the extent that the law authorizes disclosure without consent. FERPA provides students the right to file a complaint with the Department of Education concerning alleged failures by the College to comply with the act. Written complaints should be directed to the Family Policy Compliance Office, U.S. Department of Education, 600 Independence Ave., S.W., Washington, D.C., 20202-4605.

The procedure to inspect and review records, or to request amendment of education records is the same: students should write and sign a letter clearly stating their request and submit the letter to the dean of students.

Grades are available online to students through a password-protected website. They are not routinely sent to parents or guardians, except that parents or guardians of students are normally informed of grades in cases of important changes of status, such as probation and requirement to withdraw. However, grades may be released when students request it. Swarthmore has traditionally been very open with students relative to the content of their records, but has followed a conservative policy regarding disclosure of personally identifiable information to outside persons or organizations.

Education records may be disclosed to school officials without prior written consent of
the student. School officials include persons employed by the College in administrative, supervisory, academic, or research, or support staff positions; persons serving on College governing bodies; or persons employed by or under contract to the College to perform special tasks, such as attorneys, insurers, and auditors. A school official is determined to have legitimate educational interest if the information requested is necessary to perform tasks appropriate to her/his position or contract agreement, perform tasks related to the student’s education, perform tasks related to the discipline of a student, or provide a service such as health care, counseling, institutional research, job placement, or financial aid.

The College will release information in education records, including disciplinary actions or unsatisfactory academic progress records (generally probations, suspensions, or expulsions), to educational institutions to which the student seeks or intends to enroll or is already enrolled, for purposes related to the student’s enrollment or transfer including medical and law schools.

Except as stated above, personal information, other than “directory information” or matters of public record, is not normally released to anyone outside the College without a student’s prior consent unless otherwise permitted or required by law.

There are two categories of directory information at Swarthmore.

1. Published student “directories” include the following:

   • a directory for the College community of enrolled students listing home addresses;
   • the telephone directory, available as a download, contains a student’s name, class year, campus address, and campus telephone extension. The names, addresses, phone numbers, and class years of off-campus students also appear in the telephone directory;
   • a publicly posted list of all students participating in the housing lottery;
   • each spring semester, the year’s expected degree candidates are posted on a list outside the Registrar’s Office;
   • the commencement program listing the Bachelor of Arts candidates, the Bachelor of Science candidates, honors by level, Phi Beta Kappa, Sigma Xi, Tau Beta Pi, fellowships and prizes, and Pennsylvania Teacher Certification.

2. Other “directory (public) information” includes the following: home address, phone numbers, email address, date and place of birth, photographs, major(s), minor(s), dates of enrollment at Swarthmore, date of graduation or anticipated graduation, degree and honors or awards received, and participation in extracurricular activities including sports, and other similar information. Weight and height of athletic teams are also considered matters of public record.

According to the law and Swarthmore College policy, any item of directory information may be released at any time unless the student has filed a written request that specific directory information not be released, although normally most directory information is
not released outside the College community without the student’s request. Students have the right to request that directory information be withheld from disclosure, except as otherwise provided by law. Students who wish to have certain directory items withheld from any release should file their request with the Registrar’s Office, where questions concerning the College policy or this notice should also be directed. Students may file this request at any time, and the Registrar’s Office will work to place this restriction on the student’s record within two (2) weeks time.

**Parental Notification Policy**

It is the College’s general policy to treat the student as the person primarily privileged to authorize release of personal information. This policy reflects our philosophy that an important goal of undergraduate education is to continue the student’s development as an autonomous adult. The College encourages students to share information with their parents or legal guardians, but ultimately the decision of what information to share normally rests with the student. Hence, the vast majority of communications are directed to the student rather than to the parents/guardians. For example, grades are sent only to the student, unless the student gives written authorization to the registrar to send grades to a parent or guardian.

We recognize, however, that this commitment to fostering the development of the student must be balanced with the parents’ interest in the well-being and progress of their student in the College, and we recognize that there are times in which parental involvement can be in everyone’s best interests. Thus, while the general policy is to be protective of the student’s privacy, there are instances, including those enumerated below, in which a parent or legal guardian will be notified of matters concerning a student. In such instances, we believe it is appropriate for the student to inform their parent or guardian directly, so whenever reasonable, we will allow time for students themselves to do so. However, in situations where prompt notification is prudent, a member of the dean’s staff will contact a parent or guardian as soon as possible.

1. **Change of status imposed by the College**

A change in the status of a student at the College may be imposed as a result of disciplinary action or unsatisfactory academic progress. To the extent permitted by law, (including situations where the student is a dependent, where the student is a under 21 years old and found to have violated a law, rule or policy governing the use or possession of alcohol or a controlled substance, or where the student is found to be in a disciplinary proceeding to have committed a crime of violence or non-forcible sex offence) if a student is placed on probation, suspended, required to withdraw, or expelled, parents are notified. It should be noted that less severe instances of disciplinary or academic action may result in warnings to the student, of which parents are normally not notified.

2. **Health and Safety Emergencies, Including Transports to a Hospital in Critical Situations and Unexplained Absences From Campus**

The College reserves the right to contact parents when it reasonably believes that the student is subject to a health or safety emergency. This includes, but is not limited to,
situations in which a student needs to be transported to the hospital in a critical situation. It also includes situations in which it comes to the attention of College officials that a student is inexplicably absent from campus for a prolonged period. College officials may contact a parent or guardian in order to ascertain the whereabouts of the student. However, normally, College officials will first try to contact the student’s confidential contact of record to locate the student. Students are responsible for identifying their confidential contact in their online record. The College is not responsible for a student’s failure to be in touch with their parents.

3. Arrest

Arrest information is public information and is not considered an educational record of a student. The parent or guardian of the student may be notified if the student is placed under arrest while on College property or during a College-sanctioned event/activity and detained by law enforcement officials. Note that the College does not post bail for arrested students. If a student receives a citation for a summary offense for which they are not detained, e.g., underage drinking or disorderly conduct, the College normally will not notify the parent or guardian, but the police might choose to do so themselves.

4. Disclosures for Other Reasons in Exercise of College's Judgment

The College reserves the right to notify a parent or guardian of a dependent student, or as otherwise permitted by law, for reasons other than those listed above, based on our judgment of what is in the best interests of the student and of the College. For example, individual deans may contact parents of dependent students when their student is failing to make satisfactory academic progress or when alcohol or other illegal substances are involved.

2014-15 Sexual Assault & Harassment Policy

Title IX is a federal law that mandates that colleges and universities create an environment free from sexual discrimination and harassment for all community members. Title IX of the Education Amendments of 1972 ("Title IX"), 20 U.S.C. §1681 et seq., is a Federal civil rights law that prohibits discrimination on the basis of sex in education programs and activities. All public and private elementary and secondary schools, school districts, colleges, and universities receiving any Federal funds must comply with Title IX. Under Title IX, discrimination on the basis of sex can include sexual harassment, gender-based harassment, sexual violence, sexual assault, other forms of sexual misconduct, stalking, and intimate partner violence.

Title IX says that “no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

This policy applies to all forms of sexual and gender-based harassment, sexual
misconduct, sexual violence, stalking, and intimate-partner violence.¹

I. Statement of intent

Swarthmore College is committed to establishing and maintaining a community rich in equality and free from all forms of discrimination and harassment. The College seeks to create an environment in which the greatest academic potential of students and professional potential of employees may be realized. In order to create and maintain such an environment, the College recognizes that all who work and learn at the College are responsible for ensuring that the community is free from discrimination based on sex or gender, including sexual harassment, sexual assault, other forms of sexual misconduct, stalking, and intimate-partner violence. These behaviors threaten our learning, living, and work environments and will not be tolerated.

This policy prohibits all forms of sexual misconduct committed against Swarthmore community members of any gender, gender identity, gender expression, or sexual orientation. This policy also prohibits gender-based harassment that does not involve conduct of a sexual nature.

When the College becomes aware of allegations of sexual misconduct, it will take prompt and effective action. This action may include an initial assessment of safety and well-being, interim provisions for immediate protection and support for a complainant², a Title IX assessment or investigation, remedies-based resolution (as appropriate), or disciplinary action against a respondent. In all instances, the College, not the complainant, will bear the responsibility for investigating and taking appropriate action, including the decision to seek disciplinary action against a respondent.

The College’s response will be overseen by the Title IX Coordinator Kaaren Williamsen, who is available by telephone at 610-690-3720, email at kwillia1@swarthmore.edu, or in person at 504 Fieldhouse Lane.

This policy prohibits a broad continuum of behaviors, including sexual harassment, sexual assault, sexual exploitation, physical assault, bullying, intimidation and retaliation,

¹ Sexual harassment, sexual misconduct, sexual violence, and intimate-partner violence are broad terms designed to capture a spectrum of behavior. Sexual harassment and intimate-partner violence are specifically defined within this policy. In general, sexual violence refers to physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent due to incapacitation. In general, sexual misconduct is a broad term that refers to all of the prohibited behaviors under this policy.

² In this policy, “complainant” refers to the individual who has been the subject of sexual assault or harassment. “Respondent” refers to the individual(s) who has been accused of sexual assault or harassment. A “third party” refers to any other participant in the process, including an individual who makes a report, participates in an investigation or judiciary process as a witness, or is affected by any prohibited conduct.
stalking, and indecent exposure.

The College will respond according to the severity or pervasiveness of the offense and the threat it poses to the community. Individuals who are found responsible under this policy may face disciplinary sanctions up to and including expulsion and/or termination of employment. Because behavior that violates this policy may also be a violation of law, any individual who has been subjected to sexual assault or harassment is also encouraged to consider criminal or civil legal options. An individual may also file a complaint with the U.S. Department of Education’s Office for Civil Rights.

The College will not tolerate retaliation. Retaliation against any person or group who makes a complaint, cooperates with an investigation, or participates in a resolution process is a violation of College policy. Retaliation should be reported promptly to the Title IX coordinator for investigation, which may result in disciplinary action independent of any sanction or interim measures imposed in response to the underlying allegation of misconduct.

The College encourages all community members to take reasonable and prudent actions to prevent or stop acts of sexual misconduct. Taking action may include direct intervention when safe to do so, enlisting the assistance of friends, contacting law enforcement, or seeking assistance from a person in authority. Community members who choose to take these actions will be supported by the College and protected from retaliation.

The College is committed to fostering a climate free from sexual misconduct through clear and effective policies, a coordinated education and prevention program, easily accessible mechanisms for reporting, and prompt and equitable procedures for resolution of complaints.

Swarthmore College is an institution that strives to achieve its mission as a liberal arts college by the free, open, and civil exchange of ideas. The application of this policy will strive to consider how best to preserve that free, open, and civil exchange of ideas. Ideas, creativity, and free expression thrive and can only exist for the entire community in an atmosphere free of sexual discrimination and harassment.

The College will review the Sexual Assault and Harassment Policy on an annual basis in order to capture evolving legal requirements and improve the delivery of services based on a review of each year’s experience by the Title IX coordinator and assessment team.

II. Scope of policy

Swarthmore College prohibits harassment of and discrimination against any and all community members. This policy applies to all members of the College community, including students, employees, volunteers, independent contractors, visitors, and any

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3 For the purposes of this policy, “employee” refers to all staff, including members of the administration, faculty, and instructional staff.
individuals regularly or temporarily employed, studying, living, visiting, conducting business, or having any official capacity at the College.

All community members have a responsibility to adhere to College policies and local, state, and federal law. **This policy applies to conduct occurring on Swarthmore College property or at College-sanctioned events or programs that take place off campus, including study abroad and internship programs.** This policy also applies to off-campus conduct that is likely to have a substantial adverse effect on any member of the Swarthmore College community or Swarthmore College.

Swarthmore, Haverford, and Bryn Mawr colleges are part of the Tri-College Consortium. Swarthmore students may also cross-register with the University of Pennsylvania. Swarthmore students, when studying or visiting on the campus of Haverford, Bryn Mawr, or the University of Pennsylvania or when attending a College-related event for one of these four institutions, are subject to this policy as well as the policies of the visited institution. Visiting students from Haverford, Bryn Mawr, and University of Pennsylvania are also subject to this policy.

The purpose of this policy is to provide community members with the structure, tools, and guidance to assist those who have experienced or been affected by sexual misconduct whether as a complainant, a respondent, or a third party.

Sexual misconduct can be committed by any member of the Swarthmore College community. The College has jurisdiction to take disciplinary action against a respondent who is a current student or employee. There are specific procedures for resolving a report under this policy against a student, staff, or instructional-staff respondent:

- Complaints against a student will be resolved by the procedures for resolution of complaints against students, section XI of this policy.

- Complaints against a staff member will be resolved by the College policy governing staff and related grievance procedures, which can be found in chapter 11 of the *Employee Handbook.*

- Complaints against a member of the instructional staff, including faculty, will be resolved by the College policy governing instructional staff and related grievance procedures, which can be found in section II.C.1. of the *Handbook for Instructional Staff.***

**III. Notice of non-discrimination**

The College expressly prohibits any form of discrimination and harassment on the basis of any College-recognized protected classification, including sex, race, color, age, religion, national or ethnic origin, sexual orientation, gender identity or expression, pregnancy, marital status, medical condition, veteran status, or disability in any decision regarding admissions, employment, or involvement in a College program or activity in
accordance with the letter and spirit of federal, state, and local non-discrimination and equal opportunity laws, such as titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, The Age Discrimination in Employment Act, The Americans with Disabilities Act and ADA Amendments Act, The Equal Pay Act, the Pennsylvania Human Relations Act, and the Borough of Swarthmore Ordinance on Non-Discrimination.

This policy addresses all forms of sexual discrimination, including sexual assault and harassment. Swarthmore College does not discriminate on the basis of sex in its educational, extracurricular, athletic, or other programs or in the context of admissions or employment. Sex discrimination is prohibited by Title IX of the Education Amendments of 1972, a federal law that provides that:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.

Swarthmore College, as an educational community, will promptly and equitably respond to all reports of sexual misconduct in order to eliminate the misconduct, prevent its recurrence, and address its effects on any individual or the community.

Inquiries or complaints about the application of Title IX may be directed to the College’s Title IX coordinator and/or to the U.S. Department of Education’s Office for Civil Rights:

On Campus:

Kaaren Williamsen Title IX Coordinator 504 Fieldhouse Lane 500 College Ave.
Swarthmore, PA 19081 610-690-3720 kwillia1@swarthmore.edu

Off Campus:

Office for Civil Rights The Wanamaker Bldg. 100 Penn Square East, Suite 515
OCR.Philadelphia@ed.gov

IV. Swarthmore College statement regarding privacy

The College is committed to protecting the privacy of all individuals involved in a report of sexual misconduct. In any report under 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.

The privacy of the parties will be respected and safeguarded at all times. All College employees who are involved in the College’s Title IX response, including hearing panel members, receive specific training and guidance about safeguarding private information.

Privacy and confidentiality have distinct meanings under this policy.
Privacy. Privacy generally means that information related to a report of misconduct will only be shared with a limited circle of individuals. The use of this information is limited to those College employees who “need to know” in order to assist in the active review, investigation, or resolution of the report. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process.

Confidentiality. Confidentiality means that information shared by an individual with designated campus or community professionals cannot be revealed to any other individual without express permission of the individual. Those campus and community professionals include medical providers, mental health providers, ordained clergy, and sexual assault advocate, all of whom have legally protected confidentiality. These individuals are prohibited from breaking confidentiality unless there is an imminent threat of harm to self or others.

Community members wishing to seek completely confidential assistance may do so by speaking with professionals who are mandated by law to protect the confidentiality of a disclosure. On campus, these professionals include the counselors at Counseling & Psychological Services, the medical staff at Worth Health Center, Violence Prevention Educator and Advocate, Nina Harris, and Religious Advisers. Information shared with these confidential resources will not be shared with the College without consent, unless there are circumstances posing an imminent risk of harm to self or others.

When a report involves suspected abuse of a minor under the age of 18, all employees, including these confidential resources are required by state law to notify Pennsylvania Department of Public Welfare division of Child Welfare Services and/or local law enforcement. The Director of Public Safety must also be notified immediately and will notify PA Child Welfare Services and law enforcement.

Any other College employee who is not designated as a confidential resource under this policy is required to share a report of sexual misconduct with the Title IX coordinator or deputy Title IX coordinator. This team, led by the Title IX coordinator, will conduct an initial assessment of the conduct, the complainant’s desired course of action, and the necessity for any interim remedies or accommodations to protect the safety of the complainant or the community. The goal is to eliminate any hostile environment.

The College will seek action consistent with the complainant’s request where possible. Where a complainant makes a report but requests that a name or other identifiable information not be shared with the respondent or that no formal action be taken, the College will balance this request with its dual obligation to provide a safe and non-discriminatory environment for all Swarthmore College community members and to remain true to principles of fundamental fairness that require notice and an opportunity to respond before action is taken against a respondent. In making this determination, the College will consider, among other factors, whether the complainant has requested confidentiality, whether the complainant wants to participate in an investigation or student conduct process, the severity and impact of the sexual misconduct, the respective ages of the parties, whether the complainant is a minor under
the age of 18, whether the respondent has admitted to the sexual misconduct, whether the respondent has a pattern of committing sexual misconduct, the existence of independent evidence, and the extent of prior remedial methods taken with the respondent.

The College will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation or disciplinary action, but its ability to do so may be limited based on the nature of the request by the complainant. The College will assess any barriers to proceeding, including retaliation, and will inform the complainant that Title IX prohibits retaliation and the College will take strong responsive action to protect the complainant.

Where the College is unable to take action consistent with the request of the complainant, a member of the Title IX team will communicate with the complainant about the College’s chosen course of action, which may include the College choosing to seek disciplinary action against a respondent. Alternatively, the course of action may also include steps to limit the effects of the alleged harassment and prevent its recurrence that do not involve formal disciplinary action against a respondent or revealing the identity of the complainant.

If a report of misconduct discloses a serious and immediate threat to the campus community, the College will issue a timely notification to the community to protect the health or safety of the community. The timely notification will not include any identifying information about the complainant. The College may also share non-identifying information about reports received in aggregate form, including data about outcomes and sanctions. At no time will the College release the name of the complainant to the general public without the express consent of the complainant or as otherwise permitted or required by law.

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

The College will not investigate information and statements provided during a College community public awareness forum event relating to issues of sexual harassment or violence. During such situations and if able, the Title IX Coordinator or designee will provide the statement provider with campus and community resources.

V. Prohibited Conduct

The College prohibits the following forms of conduct:

A. Sexual harassment

Sexual harassment is any unwelcome sexual advance, request for sexual favors, or other unwanted verbal or physical conduct of a sexual nature when one or more of the following conditions are present:
• Submission to or rejection of such conduct is an explicit or implicit condition of an individual’s employment, evaluation of academic work, or any aspect of a College program or activity;

• Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting the individual; or

• Such conduct has the purpose or effect of unreasonably interfering with an individual’s work or academic performance, i.e., it is sufficiently serious, pervasive, or persistent as to create an intimidating, hostile, humiliating, demeaning, or sexually offensive working, academic, residential, or social environment under both an objective and subjective standard.

Sexual harassment also includes harassment based on gender, sexual orientation, gender identity, or gender expression, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex/gender or sex/gender-stereotyping, even if the acts do not involve conduct of a sexual nature.

A single, isolated incident of sexual harassment alone may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to create a hostile environment, particularly if the harassment is physical.

Sexual harassment can take many forms. Sexual harassment:

• may be blatant and intentional and involve an overt action, a threat of reprisal, or may be subtle and indirect, with a coercive aspect that is unstated.

• does NOT have to include intent to harm, be directed at a specific target, or involve repeated incidents.

• may be committed by anyone, regardless of gender, age, position, or authority. While there is often a power differential between two persons, perhaps due to differences in age, social, educational, or employment relationships, harassment can occur in any context. • may be committed by a stranger, an acquaintance, or someone with whom the complainant has an intimate or sexual relationship. • may be committed by or against an individual or may be a result of the actions of an organization or group. • may occur by or against an individual of any sex, gender identity, gender expression, or sexual orientation. • may occur in the classroom, in the workplace, in residential settings, over electronic media (including the Internet, telephone, and text), or in any other setting. • may be a one-time event or part of a pattern of behavior. • may be committed in the presence of others or when the parties are alone. • may affect the complainant and/or third parties who witness or observe the harassment.

Sexually harassing behaviors differ in type and severity. Key determining factors are that the behavior is unwelcome, is gender-based, and is reasonably perceived as offensive and objectionable under both a subjective and objective assessment of the conduct.
B. Sexual assault

*Sexual assault* is defined as having sexual contact or sexual intercourse with another individual without consent, including:

- by the use or threat of force or coercion;
- without effective consent; or
- where that individual is incapacitated.

*Sexual intercourse* includes vaginal or anal penetration, however slight, with a body part (e.g., penis, tongue, finger, hand, etc.) or object, or oral penetration involving mouth to genital contact.

*Sexual contact* includes intentional contact with the intimate parts of another, causing another to touch one’s intimate parts, or disrobing or exposure of another without permission. Intimate parts may include the breasts, genitals, buttocks, groin, mouth, or any other part of the body that is touched in a sexual manner. Sexual contact also includes attempted sexual intercourse.

C. Sexual exploitation

*Sexual exploitation* is an act or acts committed through non-consensual abuse or exploitation of another person’s sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other non-legitimate purpose. The act or acts of sexual exploitation are prohibited even though the behavior does not constitute one of the other sexual misconduct offenses.

Examples of sexual exploitation include:

- observing another individual’s nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved;
- non-consensual streaming of images, photography, video, or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all parties involved;
- prostituting another individual;
- exposing one’s genitals in non-consensual circumstances;
- knowingly exposing another individual to a sexually transmitted disease or virus without that individual’s knowledge; and
- inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

D. Physical assault
Physical assault is a purposeful action meant to hurt another person. Examples include, but are not limited to, kicking, punching, hitting with or throwing an object, or biting. When these acts occur in the context of intimate-partner violence or when the behavior is perpetrated on the basis of sex or gender, the conduct will be resolved under the Sexual Assault and Harassment Policy.

E. Intimate-partner violence

Intimate-partner violence, also referred to as dating violence, domestic violence, and relationship violence, includes any act of violence or threatened act of violence against a person who is, or has been involved in, a sexual, dating, domestic, or other intimate relationship with that person. It may involve one act or an ongoing pattern of behavior. Intimate-partner violence can encompass a broad range of behavior, including, but not limited to, physical violence, sexual violence, emotional violence, and economic abuse. Intimate-partner violence may take the form of threats, assault, property damage, or violence or threat of violence to one’s self, one’s sexual or romantic partner, or to the family members or friends of the sexual or romantic partner. Intimate-partner violence affects individuals of all genders, gender identities, gender expressions, and sexual orientations and does not discriminate by racial, social, or economic background.

F. Bullying and intimidation

Bullying includes any intentional electronic, written, verbal, or physical act or a series of acts of physical, social, or emotional domination that cause physical or emotional harm to another student or group of students. Bullying conduct may not only cause a negative effect on individuals targeted, but also others who observe the conduct. Bullying conduct is severe, persistent, or pervasive and has the effect of doing any of the following:

(i) substantially interfering with a community member’s education, employment, or full enjoyment of the college;
(ii) creating a threatening or intimidating environment; or
(iii) substantially disrupting the orderly operation of the College. Bullying is prohibited, and participating in such acts will result in disciplinary action.

Intimidation is any verbal, written, or electronic threats of violence or other threatening behavior directed toward another person or group that reasonably leads the person(s) in the group to fear for her/his physical well-being. Intimidation is prohibited and will result in disciplinary action.

Anyone who attempts to use bullying or intimidation to retaliate against someone who reports an incident, brings a complaint, or participates in an investigation in an attempt to influence the student conduct process will be in violation of retaliation as described within this handbook and will be subject to disciplinary action.

G. Stalking

Stalking occurs when a person engages in a course of conduct or repeatedly commits acts toward another person, including following the person without proper authority, under
circumstances that demonstrate either of the following:

- place the person in reasonable fear of bodily injury; or
- reasonably cause substantial emotional distress to the person.

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

Examples of stalking include:

- unwelcome and repeated visual or physical proximity to a person;
- repeated oral or written threats;
- extortion of money or valuables;
- unwelcome/unsolicited written communication, including letters, cards, emails, instant messages, and messages on online bulletin boards;
- unwelcome/unsolicited communications about a person, their family, friends, or co-workers; or
- sending/posting unwelcome/unsolicited messages with an assumed identity; or
- implicitly threatening physical contact;
- or any combination of these behaviors directed toward an individual person.

H. Indecent exposure

A person commits indecent exposure if that person exposes their genitals in any public place or in any place where there are present other persons under circumstances in which one knows or should know that this conduct is likely to offend, affront, or alarm.

I. Retaliation

Retaliation is any act or attempt to retaliate against or seek retribution from any individual or group of individuals involved in the investigation and/or resolution of a sexual misconduct allegation. Retaliation can take many forms, including continued abuse or violence, threats, and intimidation. Any individual or group of individuals, not just a complainant or respondent, can engage in retaliation.

VI. Related definitions

A. Consent
Consent to engage in sexual activity must be knowing and voluntary; it must exist from the beginning to end of each instance of sexual activity and for each form of sexual contact. Consent is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage freely in sexual activity. Consent is active, not passive.

Guidance for consent:

• Prior to initiating a sexual encounter, one is expected to obtain consent to each act of sexual activity prior to initiating such activity. Consent to one form of sexual activity does not constitute consent to engage in all forms of sexual activity.

• Consent consists of an outward demonstration indicating that an individual has freely chosen to engage in sexual activity. Relying on non-verbal communication can lead to misunderstandings. Consent may not be inferred from silence, passivity, lack of resistance, or lack of an active response alone. A person who does not physically resist or verbally refuse sexual activity is not necessarily giving consent.

• When consent is requested verbally, absence of any explicit verbal response constitutes lack of consent. A verbal “no” constitutes lack of consent, even if it sounds insincere or indecisive.

• If at any time during the sexual activity, any confusion or ambiguity arises as to the willingness of the other individual to proceed, both parties should stop and clarify verbally the other’s willingness to continue before continuing such activity.

• Either party may withdraw consent at any time. Withdrawal of consent should be outwardly demonstrated by words or actions that clearly indicate a desire to end sexual activity. Once withdrawal of consent has been expressed, sexual activity must cease.

• Individuals with a previous or current intimate relationship do not automatically give either initial or continued consent to sexual activity. Even in the context of a relationship, there must be mutually understandable communication that clearly indicates a willingness to engage in sexual activity.

• Consent is not effective if it results from the use or threat of physical force, intimidation, or coercion, or any other factor that would eliminate an individual’s ability to exercise their own free will to choose whether or not to have sexual contact.

• An individual who is physically incapacitated from alcohol or other drug consumption (voluntarily or involuntarily) or is asleep, unconscious, unaware, or otherwise physically helpless is considered unable to give consent. A full discussion of Incapacitation follows in D. of this section.

• In the Commonwealth of Pennsylvania, the age of majority is 18. Under state law, consent cannot be given by minors under the age of 13 and can only be given by a minor under the age of 16, if the other party is less than four (4) years older than the minor.
B. Force

*Force* is the use or threat of physical violence or intimidation to overcome an individual’s freedom of will to choose whether or not to participate in sexual activity. There is no requirement that a party resists the sexual advance or request, but resistance will be viewed as a clear demonstration of non-consent.

C. Coercion

*Coercion* is the use of pressure to compel another individual to initiate or continue sexual activity against an individual’s will. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail. A person’s words or conduct are sufficient to constitute coercion if they wrongfully impair another individual’s freedom of will and ability to choose whether or not to engage in sexual activity. Examples of coercion include threatening to “out” someone based on sexual orientation, gender identity, or gender expression and threatening to harm oneself if the other party does not engage in the sexual activity.

D. Incapacitation

*With incapacitation*, an individual lacks the ability to make informed, rational judgments and cannot consent to sexual activity. Incapacitation is defined as the inability, temporarily or permanently, to give consent because the individual is mentally and/or physically helpless, asleep, unconscious, or unaware that sexual activity is occurring.

Incapacitation may result from the use of alcohol and/or drugs. Incapacitation is a state beyond drunkenness or intoxication. The impact of alcohol and other drugs varies from person to person; however, warning signs that a person may be approaching incapacitation may include slurred speech, vomiting, unsteady gait, odor of alcohol, combativeness, or emotional volatility.

Evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs affects an individual’s:

- decision-making ability;
- awareness of consequences;
- ability to make informed judgments; or
- capacity to appreciate the nature and the quality of the act.

Evaluating incapacitation also requires an assessment of whether a respondent should have been aware of the complainant’s incapacitation based on objectively and reasonably apparent indications of impairment when viewed from the perspective of a sober, reasonable person in the respondent’s position.

E. Alcohol or other drugs
In general, the College considers sexual contact while under the influence of alcohol or other drugs to be risky behavior. Alcohol and drugs impair a person’s decision-making capacity, awareness of consequences, and ability to make informed judgments. It is especially important, therefore, that anyone engaging in sexual activity be aware of the other person’s level of intoxication. If there is any doubt as to the level or extent of the other individual’s intoxication or impairment, the prudent course of action is to forgo or cease any sexual contact or activity.

Being intoxicated or impaired by drugs or alcohol is never an excuse for sexual harassment, misconduct, or intimate-partner violence and does not diminish one’s responsibility to obtain informed and freely given consent.

F. Intimate-partner violence

*Intimate-partner violence*, also referred to as dating violence, domestic violence, and relationship violence, includes any act of violence or threatened act of violence against a person who is, or has been involved in, a sexual, dating, domestic, or other intimate relationship with that person. It may involve one act or an ongoing pattern of behavior. Intimate-partner violence can encompass a broad range of behavior, including, but not limited to, physical violence, sexual violence, emotional violence, and economic abuse. Intimate-partner violence may take the form of threats, assault, property damage, or violence or threat of violence to one’s self, one’s sexual or romantic partner, or to the family members or friends of the sexual or romantic partner. Intimate-partner violence affects individuals of all genders, gender identities, gender expressions, and sexual orientations and does not discriminate by racial, social, or economic background.

VII. Resources

A. Overview

The College is committed to treating all members of the community with dignity, care, and respect. Any individual affected by sexual misconduct, whether as a complainant, a respondent, or a third party, will have equal access to support and counseling services through the College. The College recognizes that deciding whether to make a report and choosing how to proceed can be difficult decisions. The College encourages any individual who has questions or concerns to seek the support of campus and community resources. These professionals can provide information about available resources and procedural options and assistance to any party in the event that a report and/or resolution under this policy are pursued. Individuals are encouraged to use all available resources, regardless of when or where the incident occurred.

B. Education and prevention programs

Swarthmore College is committed to the prevention of sexual misconduct through education and awareness programs. Throughout the year, programs designed to promote awareness are presented by a variety of campus resources. Prevention programs include an overview of the College’s policies and procedures, relevant definitions, including prohibited conduct, discussion of the impact of alcohol and illegal drug use, effective
consent, safe and positive options for bystander intervention, and information about risk reduction.

Incoming first-year students and new employees will receive primary prevention and awareness programming as part of their orientation. Returning students and employees will receive ongoing training on a periodic basis. Swarthmore College’s Title IX coordinator oversees the education and prevention calendar and tailors programming to campus needs and climate. All educational programs include a review of resources and reporting options available for students, faculty, and staff.

C. Emergency support services in the event of a sexual assault

The College encourages all individuals to seek assistance from a medical provider and/or law enforcement as soon as possible after a sexual assault. This is the best option to provide physical safety, emotional support, and medical care to the complainant. It is also the best option to ensure preservation of evidence and to begin a timely investigative and remedial response. The College will escort any Swarthmore community member to a safe place, provide transportation to the hospital, assist in coordination with law enforcement, and provide information about the College’s resources and complaint processes.

Assistance is available from the College and local law enforcement 24 hours a day, year-round, by calling the Department of Public Safety and/or the Swarthmore Borough Police Department. Any individual can request that a member of the Department of Public Safety and/or Swarthmore Borough Police respond and take a report.

An individual can also contact a Worth Health Center nurse or nurse practitioner (during the academic year) and/or a local medical provider 24 hours/day.

**Worth Health Center.** Worth is available 24 hours a day (during the academic year) to assist students as a confidential resource. The victim/survivor will be given the option to be evaluated by a nurse who will assess the victim/survivor’s injuries. If the victim/survivor does not have injuries requiring emergency attention, the victim/survivor still has the option—and is encouraged—to go to the hospital for care. If the victim/survivor chooses to forego the hospital, they have the option of seeing a nurse practitioner at the Health Center as soon as possible. The primary purpose of the medical evaluation is to check for physical injuries and reduce risk of pregnancy, as appropriate, or complications from sexually transmitted diseases as a result of the assault. The victim/survivor will be encouraged to have evidence collected. If the victim/survivor chooses to have evidence collected, the victim/survivor will be escorted to the nearest hospital by Public Safety or will be escorted to a taxi (voucher provided) to the medical provider of the victim/survivor’s choice. The victim/survivor can later return to Worth Health Center for follow-up medical care. While at the Worth Health Center, the survivor may request to speak with a counselor through Counseling & Psychological Services (CAPS).

The Worth Health Center will also offer to contact the Delaware County Women Against Rape (WAR) hotline so that the victim/survivor can speak with a crisis counselor if they desire. Worth Health Center will provide non-identifying information about an incident to the College for the purposes of compliance with the Clery Act.
Community medical providers.

A medical provider, such as Riddle Memorial Hospital, Taylor Hospital, or Springfield Hospital, can provide emergency and/or follow-up medical services and provide a forum to discuss any health care concerns related to the incident in a confidential medical setting. These are the current local hospitals, which identify as having Sexual Assault Nurse Examiner (SANE) nurses who are trained to work to collect evidence in a manner consistent with evidence-collecting requirements in Pennsylvania.

Under Pennsylvania law, a medical provider may be required to notify law enforcement of a sexual assault under certain circumstances. The medical provider, however, will share limited information with law enforcement, and a complainant may decline to speak with a law enforcement officer or participate in a criminal prosecution. The medical provider will typically also notify the local rape crisis counseling center. In Delaware County, this is the Delaware County Women Against Rape (WAR).

Victim/Survivors may also choose to seek care from a free-standing specialty health center such as The Philadelphia Sexual Assault Response Center (PSARC). The mission of PSARC is to provide medical care and forensic examinations to victims of sexual assault in a private and personal setting designed to minimize stress or further trauma to the victim/survivor. PSARC has specially trained nurses on call 24 hours a day, seven days a week who can perform a rape exam, collect evidence, and provide advice and counseling referrals to victims/survivors of sexual assault.

The medical exam obtained from a hospital or sexual-assault response center has two goals: first, to diagnose and treat the full extent of any injury or physical effect (sexually transmitted infection [STI] or possibility of pregnancy) and, second, to properly collect and preserve evidence. The exam may include testing and prophylactic treatment for HIV/AIDS, STIs, and pregnancy; a vaginal examination; collecting fingernail scrapings and/or clippings; examining for injuries; and a blood draw. There is a limited window of time (typically 72 to 96 hours) following an incident of sexual assault to preserve physical and other forms of evidence. Taking the step to gather evidence immediately does not commit an individual to any course of action. The decision to seek medical attention and gather any evidence will preserve the full range of options to seek resolution through the College’s complaint processes or criminal action.

Emergency response resources

911

Swarthmore College Public Safety

610-328-8333

Swarthmore Borough Police Department

121 Park Ave. Swarthmore, PA 19081 610-543-0123 swarhpd1@aol.com
Health and emotional well-being resources

Worth Health Center
610-328-8058
health@swarthmore.edu

Counseling & Psychological Services
Worth Health Center, North Wing 610-328-8059 caps@swarthmore.edu

Riddle Memorial Hospital
1068 W. Baltimore Pike Media, PA 19063 484-227-9400

Taylor Hospital
175 E. Chester Pike Ridley Park, PA 19078 610-595-6000

Springfield Hospital
190 W. Sproul Road Springfield, PA 19064 610-328-8700

The Philadelphia Sexual Assault Response Center (PSARC)
100 E. Lehigh Ave. East Kensington, PA (next to the Philadelphia Police Department Special Victims Unit) 215-425-1625

D. Confidential resources and support

For individuals who are seeking confidential consultation, there are several resources available to provide confidential support, both on campus and in the local community. The trained professionals designated below can provide counseling, information, and support under legally protected confidentiality. Because these relationships involve privileged conversations, these confidential resources will not share information with the Title IX coordinator or any other employee of the College without the individual’s express permission. They may, however, submit non-identifying information about the incident for purposes of making a statistical report under the Clery Act, as described below.

On-campus confidential resources

• Worth Health Center Beth Kotarski, director  610-328-8058  health@swarthmore.edu The Worth Health Center, Swarthmore’s student health center, is
available 24 hours a day, seven days a week during the academic year. The center provides comprehensive and clinically exceptional care to students, including primary care health services, gynecological and other reproductive health services, vaccinations, and screening, testing, and treatment for sexually transmitted infections.

- Sexual assault advocate

Nina Harris, Violence Prevention Educator and Advocate 610-328-8058 nharris1@swarthmore.edu

- Counseling & Psychological Services (CAPS)

Worth Health Center, North Wing 610-328-8059 caps@swarthmore.edu

- Religious advisers

Religious and Spiritual Life Bond Hall 22 610-690-5744 www.swarthmore.edu/student-life/religious-and-spiritual-life/religious-advisers.xml These individuals provide spiritual guidance in the context of ordained clergy, along with confidential support on a range of matters.

- Employee Assistance Program 1-800-437-0911 Carebridge is available to provide confidential consultation and referral services to help benefit eligible employees and their families. It is available 24/7.

Anonymous general and statistical information must be shared with the Title IX Coordinator and Public Safety where required for the College’s compliance with Title IX and the Clery Act. While maintaining a victim’s confidentiality, the information shared, if known, should be the nature, date, time, and general location of the incident, and does not include the names or any other identifying information about the person(s) involved in the incident. Annual Clery reporting to the U.S. Department of Education is required by educational institutions for certain offenses that have been reported at campus locations. The information contained in the Clery report only tracks the number of Clery-reportable offenses occurring at campus locations.

Off-campus confidential resources

- Delaware County Women Against Rape (WAR) www.delcowar.org 610-566-4342 (24-hour hotline)

WAR offers comprehensive direct services to victims/survivors of sexual assault in Delaware County, including a 24-hour hotline, accompaniment services, counseling services, and assistance with victim compensation. All direct victim services are free and confidential.

- Mazzoni Center http://mazzonicenter.org 215- 563-0652 or 215-563-0658 (health center) Lesbian, gay, bisexual, and transgender (LGBT) health care and wellness center with two locations in Center City Philadelphia. At its 21 S. 12th St., 8th floor, location,
this organization provides counseling and behavioral health, case management, legal services, prevention and education, housing, and food bank services. Comprehensive primary health care services focusing on the needs of LGBT individuals are located at the Mazzoni Center Family & Community Medicine, 809 Locust St.

E. Additional campus resources

In addition to the confidential resources listed above, Swarthmore community members have access to a variety of resources provided by the College. The professionals listed below are trained to support individuals affected by sexual misconduct and to coordinate with the Title IX coordinator consistent with the College’s commitment to a safe and healthy educational environment. While not bound by confidentiality, these resources will maintain the privacy of an individual’s information within the limited circle of those involved in the Title IX resolution process.

The Title IX coordinator is supported by the Title IX team and designated deputy Title IX coordinators. The Title IX team consists of the Title IX coordinator, deputy Title IX coordinators, the dean of students, senior class dean and director of student conduct, director of public safety, and others, as applicable.

• Title IX Coordinator | Kaaren Williamsen 504 Fieldhouse Lane | 610-690-3720 kwillia1@swarthmore.edu

• Dean of Students | Elizabeth Braun Parrish Hall 140 | 610-328-8365 deans@swarthmore.edu

• Dean of the Senior Class and Director of Student Conduct | Nathan Miller Parrish Hall 108 | 610-328-8354 nmiller2@swarthmore.edu

• Director of Public Safety | Michael J. Hill Benjamin West House | 610-328-8000 mjhill1@swarthmore.edu

• Deputy Title IX Coordinator | Deans’ Office | Lili Rodriguez Associate Dean of Diversity, Inclusion, and Community Development Parrish Hall 140 | 610-690-5767 lrodrig3@swarthmore.edu

• Deputy Title IX Coordinator | Provost’s Office | Sunka Simon Associate Provost for Faculty Development, Parrish 229, | 610-690-7354, ssimon1@swarthmore.edu

• Deputy Title IX Coordinator | Human Resources | Zenobia Hargust Human Resources Manager Pearson Hall 010 | 610-328-8398 zhargus1@swarthmore.edu

• Deputy Title IX Coordinator | Physical Education & Athletics | Nnenna Akotaobi Associate Director of Athletics and Senior Woman Administrator Athletics Fieldhouse 161 | 610-328-8222 nakotao2@swarthmore.edu
F. Additional community resources

Students, faculty, and staff may also access resources located in the local community. These organizations can provide crisis-intervention services, counseling, medical attention, and assistance in interfacing with the criminal justice system. All individuals are encouraged to use the resources that are the best suited to their needs, whether on or off campus.

• Delaware County Victim Services Delaware County Courthouse 201 W. Front St. Media, PA 19063
  610-891-4227 www.delcoda.com

• Delaware County District Attorney Delaware County Courthouse 201 W. Front St. Media, PA 19063
  610-891-4161 www.delcoda.com

• Victim Compensation Assistance Program Pennsylvania Commission on Crime and Delinquency 3101 N. Front St.
  Harrisburg, PA 17110 717-705-0888 800-692-7292; 800-233-2339 (victims compensation) www.pccd.state.pa.us

VIII. Reporting

As outlined in Emergency Support Services in the Event of a Sexual Assault section of this policy, the College encourages all individuals to seek assistance from a victim advocate, a medical provider, and/or law enforcement immediately after an incident of sexual violence.

A. Overview

The College encourages all community members to report sexual misconduct in order to achieve a campus environment that maximizes its community members’ academic pursuits and positive feelings of community. The College will respond to any information it receives, whether from a complainant or third party against a named respondent.

The College is committed to providing a variety of welcoming and accessible means of reporting sexual misconduct so that all instances of sexual assault or harassment will be reported. All Swarthmore community members, even those who are not obligated by the College’s Sexual Assault and Harassment Policy, are strongly encouraged to report information regarding any incident of sexual misconduct to the Title IX coordinator. The Title IX coordinator is specifically charged with coordinating the initial assessment, initiating an investigation, and responding to allegations of sexual misconduct to stop the harassing conduct, address its effects, and prevent its recurrence.

With the exception of those employees who have legally recognized confidentiality
(Worth Health Center employees, victim advocate, Counseling & Psychological Services (CAPS) counselors, and religious advisers), all College employees, including faculty, staff, administrators, and student employees or volunteers who have responsibility for the welfare of other students, are required to share with the Title IX coordinator any report of sexual misconduct they receive or of which they become aware. Student employees and volunteers who are required to share reports with the Title IX coordinator include, for example, resident assistants (RAs), Student Academic Mentors (SAMs), Drug and Alcohol Response Team members (DART Team), and SWATeam. These individuals are required to share with the Title IX coordinator all information of which they are aware, including the identities of the parties in the sexual misconduct, if known.

At the time a report is made, a complainant does not have to decide whether or not to request disciplinary action. Choosing to make a report and deciding how to proceed after making the report can be a process that unfolds over time. To the extent possible, the College will respect an individual’s autonomy in making these important decisions and provide support that will assist each individual in making that determination.

The College recognizes that not every individual will be prepared to make a report to the College or to law enforcement, and individuals are not expected or required to pursue a specific course of action. As outlined in the Resources section of this policy, there are confidential resources on campus and in the community available to individuals who want support, regardless of whether they currently plan to make a report to the College. Information shared with these confidential resources will not be reported to the College.

As outlined in the Statement Regarding Privacy (section IV of this policy), the College respects the privacy interests of students, faculty, and staff. All information reported to the Title IX coordinator will be shared only with those College employees or agents who will assist in the investigation and/or resolution of the complaint.

The Title IX coordinator, working with the Title IX team, will ensure that the College responds to all reports in a timely, effective, and consistent manner. The Title IX team consists of the Title IX coordinator, deputy Title IX coordinators, the dean of students, senior class dean and director of student conduct, director of public safety, and others, as applicable. The Title IX team is charged with coordinating the review, investigation, and resolution of all reports to ensure consistent responsiveness, and the integrated provision of interim measures to support the individuals involved and to protect the College community. The College is committed to using a consistent and informed response to create a culture of accountability. The Title IX team is positioned to provide seamless support, assess individual and campus safety, and effectively respond to allegations of sexual misconduct.

The College will promptly review and respond to all reports of sexual misconduct in an integrated, consistent manner that treats each individual with dignity and respect. The College will approach each report with an earnest intent to understand the perspective and experiences of each individual involved in order to ensure fair and impartial evaluation and resolution.
B. Reporting to law enforcement

In addition to a College response, the College also encourages complainants to pursue criminal action for incidents of sexual misconduct that may also be crimes under Pennsylvania criminal statutes. The College will assist a complainant, at the complainant’s request, in contacting local law enforcement and will cooperate with law enforcement agencies if a complainant decides to pursue the criminal process to the extent permitted by law. Except where the complainant is less than 18 years old, the College will generally respect a complainant’s choice whether or not to report an incident to local law enforcement, unless the College determines that there is an overriding issue with respect to the safety or welfare of the College community. Where a report involves suspected abuse of a minor less than 18, the College is required by state law to notify law enforcement and/or the Pennsylvania Department of Public Welfare division of Child Welfare Services.

The College’s policy, definitions, and burden of proof may differ from Pennsylvania criminal law. A complainant may seek resolution through the College’s complaint process, may pursue criminal action, may choose one but not the other, or may choose both. Neither law enforcement’s determination whether or not to prosecute a respondent nor the outcome of any criminal prosecution are determinative of whether sexual assault or harassment has occurred under this policy. Proceedings under the College’s Sexual Assault and Harassment Policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus.

C. Campus reporting options

The College recognizes that a student or employee may choose to report sexual misconduct to any employee of the College. For example, a student may choose to confide in an assistant dean, a resident assistant (RA), a faculty member, or a coach. An employee may choose to confide in a supervisor or colleague. Under this policy, any employee, other than those deemed confidential by law, who receives a report of sexual misconduct, is required to share the report with the Title IX coordinator.

To enable the College to respond to all reports in a prompt and equitable manner, the College encourages all individuals, who are not identified as required reporters, to directly report any incident to the Title IX coordinator, a deputy Title IX coordinator, Public Safety official, or the Dean of Students Office.

Campus reporting options

- Title IX Coordinator │ Kaaren Williamsen 504 Fieldhouse Lane │ 610-690-3720 kwillia1@swarthmore.edu
- Dean of Students │ Elizabeth Braun Parrish Hall 108/140 │ 610-328-8365 deans@swarthmore.edu
- Director of Public Safety │ Michael J. Hill Benjamin West House │ 610-328-8000 mjhill1@swarthmore.edu
D. Third party reporting

Any individual may make a report concerning an act of sexual misconduct. An individual may report the incident without disclosing or identifying parties involved. Depending on the level of information available about the incident or the individuals involved, third party reporting may impact the College’s ability to respond or take further action.

The College has created an online form for reporting (http://www.swarthmore.edu/Admin/publicsafety3/cleryreport.php). As with all other reports, all reports of sexual misconduct will go to the Title IX coordinator for review and appropriate response and action. The Title IX coordinator or their designee will respond to all reports submitted. Where there is sufficient information, the College will ensure that third party reports are reviewed and included for compliance with the Clery Act.

E. Reporting considerations

1. Timeliness of report, location of incident

Complainants and third-party witnesses are encouraged to report sexual misconduct as soon as possible in order to maximize the College’s ability to respond promptly and effectively. The College does not, however, limit the timeframe for reporting. If the respondent is no longer a student or employee, the College may not be able to take disciplinary action against the respondent, but it will still seek to meet its Title IX obligation by taking steps to end the harassment, prevent its recurrence, and address its effects.

An incident does not have to occur on campus to be reported to the College. Off-campus conduct that is likely to have a substantial adverse effect on any member of the Swarthmore College community or the college itself may be covered under this policy.

2. Amnesty for personal use of alcohol or other drugs

The College seeks to remove any barriers to reporting. The College will generally offer any student, whether the complainant or a third party, who reports sexual misconduct
limited immunity from being charged for policy violations related to the personal ingestion of alcohol or other drugs, provided that any such violations did not and do not place the health and safety of any person at risk. The College may choose, however, to recommend educational or therapeutic remedies for those individuals.

3. Statement against retaliation

As stated above, retaliation is a violation of College policy. The College recognizes that retaliation can take many forms, may be committed by or against an individual or a group, and that a respondent or third party may also be the subject of retaliation by another individual, including the complainant.

An individual reporting sexual misconduct is entitled to protection from any form of retaliation following a report that is made in good faith, even if the report is not later substantiated.

4. False reporting

The College takes validity of information very seriously as a charge of sexual misconduct may have severe consequences.

A reporting party who makes a report that is later found to have been intentionally false or made maliciously without regard for truth may be subject to disciplinary action. This provision does not apply to reports made in good faith, even if the facts alleged in the report are not substantiated by an investigation.

Similarly, a party or witness who is later proven to have intentionally given false information during the course of an investigation or judicial action may be subject to disciplinary action.

F. Reports involving minors

Any Swarthmore College employee who has reasonable cause to suspect abuse of a child (an individual under the age of 18) that the employee has come into contact with during the course of employment must make a report to the Department of Public Safety, which will facilitate a report to local law enforcement and the Pennsylvania Department of Public Welfare division of Child Welfare Services. This requirement applies to an employee’s suspicion of past or present abuse of a person who is a child at the time of the report. All other members of the Swarthmore College community (students, visitors, guests, etc.) are strongly encouraged to report whenever child abuse is suspected.

Reports directly to the Pennsylvania Department of Public Welfare’s ChildLine and Abuse Registry can be made anonymously (800-932-0313 or www.dpw.state.pa.us/provider/childwelfareservices/childlineandabuseregistry). In order to ensure that the College gives the suspected abuse appropriate attention, employees are also required to report suspected abuse internally as described in the following steps.

Internal reports will be handled with discretion and in cooperation with the state’s
Department of Public Welfare or local authorities.

To report suspected abuse, if the child is in immediate danger, call ext. 8333 (if on campus) or 911.

To report suspected abuse, if the child is not in immediate danger, call Swarthmore College Department of Public Safety at 610-328-8333 and either Swarthmore Borough Police Department at 610-543-0123 or Pennsylvania Department of Public Welfare’s ChildLine at 800-932-0313.

The College’s full policy on reporting child abuse can be found here: http://www.swarthmore.edu/equal-opportunity-office/reporting-child-abuse.xml.

IX. Interim measures

A. Overview

Upon receipt of a report of sexual misconduct, the College will impose reasonable and appropriate interim measures designed to eliminate the reported hostile environment and protect the parties involved. The College will maintain consistent contact with the parties to ensure that all safety and emotional and physical well-being concerns are being addressed. Interim measures may be imposed regardless of whether formal disciplinary action is sought by the complainant or the College.

A complainant or respondent may request separation or other protection, or the College may choose to impose interim measures at its discretion to ensure the safety of all parties, the broader College community, and/or the integrity of the investigative and/or resolution process.

All individuals are encouraged to report concerns about failure of another individual to abide by any restrictions imposed by an interim measure. The College will take immediate and responsive action to enforce a previously implemented measure.

B. Range of measures

The College, at its discretion, will implement interim measures with potential remedies that which may be applied to the complainant and/or the respondent, including:

• access to counseling services and assistance in setting up an initial appointment, on and off campus;
• imposition of an on-campus “no-contact directive”;
• rescheduling of exams and assignments;
• providing alternative course completion options;
• changing class schedules, including the ability to transfer course sections or withdrawal from a course without penalty; • changing work schedules or job assignments; • changing
a student’s College-owned housing; • assistance from College support staff in completing housing relocation;

• limiting an individual’s or organization’s access to certain College facilities or activities pending resolution of the matter; • voluntary leave of absence;

• providing an escort to ensure safe movement between classes and activities; • providing medical services; • providing academic support services, such as tutoring;

• College-imposed leave or separation; and/or • any other remedy that can be tailored to the involved individuals to achieve the goals of this policy.

C. College-imposed interim suspension or leave

If either the president or the dean of students decides at any point that the well-being of a student or of any member of the College community is at stake, an interim suspension may be imposed on a student who is suspected of violating the Student Code of Conduct (as outlined in the Student Handbook), any rules, regulations, or procedures of the College, or otherwise poses a risk of safety to the campus, until the time student conduct resolution, disciplinary action, or a hearing can be completed. This action assumes no determination of responsibility and the student conduct process will be held as soon as possible.

Similarly, the College may impose leave for any employee. Such leave will be structured at the College’s discretion.

X. Title IX review, investigation and resolution

Although a report may come in through many sources, the College is committed to ensuring that all reports of sexual misconduct are referred to the Title IX Coordinator, which ensures consistent application of the Sexual Assault and Harassment Policy to all individuals and allows the College to respond promptly and equitably to eliminate the harassment, prevent its recurrence, and eliminate its effects. The Title IX Coordinator may enlist the Title IX Team to assist in the review, investigation, and/or resolution of the report. Members of this interdepartmental team include the Title IX Coordinator, deputy Title IX coordinators, the dean of students, senior class dean and director of student conduct, and the director of public safety or their designee. Depending on the relationship of the complainant and the respondent to the College (student, staff, faculty, or other) and the nature of the report, additional team members may include the Equal Opportunity officer, the vice president for human resources, and provost, and others as may be necessary. The members of this team oversee the resolution of the reported harassment or misconduct through the College’s complaint processes.

A. Overview of procedural options

Upon receipt of a sexual misconduct report, the College’s Title IX Coordinator or a member of the Title IX team will conduct an initial Title IX assessment. The goal of this assessment is to provide an integrated and coordinated response to reports of sexual
harassment or sexual assault. The assessment will consider the nature of the report, the safety of the individual and of the campus community, and the complainant’s expressed preference for resolution.

Following this assessment, the College may seek a remedies-based resolution that does not involve disciplinary action against a respondent. Alternately, the matter may be referred for investigation. The goal of the investigation is to gather all relevant facts and determine if there is sufficient information to refer the report for disciplinary action using the College’s judicial resolution procedures.

The process followed will be determined by the relationship of the respondent to the College:

- Complaints against a student will be resolved by the Procedures for Resolution of Complaints against Students, which is set forth in part XI. of this Policy.
- Complaints against a staff member will be resolved by the College policy governing staff and related grievance procedures, which can be found in Chapter 11 of the Employee Handbook.
- Complaints against a member of the instructional staff, including faculty, will be resolved by the College policy governing instructional staff and related grievance procedures, which can be found in section II.C.1. of the Handbook for Instructional Staff [pdf, on-campus access only].

Each process is guided by the same principles of fairness and respect for all parties. Resources are available for both students and employees, whether as complainants or respondents, to provide support and guidance throughout the investigation and resolution of the complaint.

B. Role of the Title IX Coordinator

Title IX Coordinator Kaaren Williamsen oversees the College’s centralized review, investigation, and resolution of reports of sexual misconduct. The coordinator also coordinates the College’s compliance with Title IX.

The Title IX coordinator can be contacted by telephone, email, or in person during regular office hours.

Title IX Coordinator | Kaaren Williamsen 504 Fieldhouse Lane | 610-690-3720
kwillia1@swarthmore.edu

The Title IX coordinator is:

- responsible for oversight of the investigation and resolution of all reports of sexual misconduct;
- knowledgeable and trained in relevant state and federal laws and College policy and procedure;
• available to advise any individual, including a complainant, a respondent, or a third party, about the courses of action available at the College, both informally and formally;

• available to provide assistance to any College community member regarding how to respond appropriately to reports of sexual misconduct;

• responsible for monitoring full compliance with all requirements and timelines specified in the complaint procedures; and

• responsible for compiling annual and semi-annual reports.

Trained deputy Title IX coordinators who can also offer assistance are available in the following offices:

• Deputy Title IX Coordinator │ Dean’s Office │ Lili Rodriguez Associate Dean of Diversity, Inclusion, and Community Development Parrish Hall 140 │ 610-690-5767 lrodrig3@swarthmore.edu

• Deputy Title IX Coordinator │ Provost’s Office │ Sunka Simon Associate Provost for Faculty Development, Parrish 229, │ 610-690-7354, ssimon1@swarthmore.edu

• Deputy Title IX Coordinator │ Human Resources │ Zenobia Hargust Human Resources Manager Pearson Hall 010 │ 610-328-8398 zhargus1@swarthmore.edu

• Deputy Title IX Coordinator │ Physical Education & Athletics │ Nnenna Akotaobi Associate Director of Athletics and Senior Woman Administrator Athletics Fieldhouse 161 │ 610-328-8222 nakotao2@swarthmore.edu

C. Time frames for resolution

The College seeks to resolve all reports of sexual misconduct within sixty (60) days. All time frames expressed in this policy are meant to be guidelines rather than rigid requirements. Circumstances may arise that require the extension of time frames, including extension beyond sixty (60) days. Such circumstances may include the complexity of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, any intervening school break or vacation, or other unforeseen circumstances.

In general, a complainant and respondent can expect that the process will proceed according to the time frames provided in this policy. In the event that the investigation and resolution exceed this time frame, the College will notify all parties of the reason for the delay and the expected adjustment in time frames. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

At the request of law enforcement, the College may agree to defer its fact-gathering until after the initial stages of a criminal investigation. The College will nevertheless communicate with the complainant regarding Title IX rights, procedural options, and the
implementation of interim measures to ensure safety and well-being. The College will promptly resume its fact-gathering as soon as law enforcement has completed its initial investigation.

D. Initial Title IX review and assessment

In every report of sexual misconduct, the Title IX coordinator or designee, will make an immediate assessment of any risk of harm to individuals or to the campus community and will take steps necessary to address those risks. The Title IX coordinator may consult with the director of public safety and/or the dean of students or designee(s) to assist in this assessment. These steps may include interim protective measures to provide for the safety of the individual and the campus community. One or more of the Title IX team may also be included in the initial assessment.

The initial review will proceed to the point where a reasonable assessment of the safety of the individual and of the campus community can be made. Thereafter, the investigation may continue depending on a variety of factors, such as the complainant’s wish to pursue disciplinary action, the risk posed to any individual or the campus community by not proceeding, and the nature of the allegation.

E. Investigation

Where the Title IX assessment concludes that College disciplinary action may be appropriate, the College will initiate an investigation. The College may designate an investigator of its choosing, provided that the investigator has specific training and experience investigating allegations of sexual misconduct. The College will provide annual training for all investigators, and any investigator chosen to conduct the investigation must be impartial and free of any conflict of interest. The investigator may be an employee of the College, an external investigator engaged to assist the College in its fact-gathering, or a team of investigators that pairs employees or pairs an external investigator with a College employee related to the roles of the parties on campus (student, staff, or faculty).

The investigator(s) will conduct the investigation in a manner appropriate in light of the circumstances of the case, which will typically include interviews with the complainant, the respondent, and any witnesses. As part of the investigation, the College will provide an opportunity for the parties to present statements, witnesses, and other evidence. The interviews will be supplemented by the gathering of any physical, documentary, or other evidence, as appropriate and available. The investigation is designed to provide a fair and reliable gathering of the facts. The investigation will be thorough, impartial, and fair, and all individuals will be treated with appropriate sensitivity and respect. The investigation will be conducted in a manner that is respectful of individual privacy concerns.

The College will seek to complete the investigation within 30 (thirty) business days of receiving the complaint, but this time frame may be extended depending on the complexity of the circumstances of each case.

At the conclusion of the investigation, the investigator will prepare a report setting forth
the facts gathered, which will be forwarded to the Title IX coordinator and the College administrator responsible for initiating disciplinary resolution proceedings. Upon receipt of the investigation report, the College will notify all parties that the investigation is complete and provide information about next steps in the process.

Information gathered during the review or investigation will be used to evaluate the responsibility of the respondent, provide for the safety of the complainant and the College campus community, and impose remedies as necessary to address the effects of the alleged conduct. Where there is sufficient information alleged, if proven, that would constitute a violation of policy, the College will have the discretion to institute disciplinary resolution proceedings against the respondent.

Based on the information gathered in the initial Title IX assessment and/or investigation, the College will take appropriate measures designed to end the misconduct, prevent its recurrence, and address its effects.

The Title IX coordinator will document each report or request for assistance in resolving a case involving charges of sexual misconduct, whether by the complainant or a third party and will review and retain copies of all reports generated as a result of investigations. These records will be kept confidential to the extent permitted by law.

F. Remedies-based resolution

Where the Title IX assessment concludes that remedies-based resolution may be appropriate, the College will take immediate and corrective action through the imposition of individual and community remedies designed to maximize the complainant’s access to the educational and extracurricular activities of the College. Examples of potential remedies are provided in policy Section IX: Interim Measures. Other potential remedies include targeted or broad-based educational programming or training. In cases that do not involve sexual violence, mediation and other restorative justice interventions may be an appropriate form of remedies-based resolution.

The College will not compel a complainant to engage in mediation, to directly confront the respondent, or to participate in any particular form of remedies-based resolution. Mediation, even if voluntary, may not be used in cases involving sexual assault. The decision to pursue remedies-based resolution, which may occur at any time, will be made when the College has sufficient information about the nature and scope of the conduct. Participation in remedies-based resolution is voluntary, and a complainant can request to end remedies-based resolution at any time.

G. Judicial resolution

Disciplinary action against a respondent may only be taken through judicial resolution procedures. Because the relationship of students, staff, and faculty to the College differ in nature, the procedures that apply when seeking disciplinary action necessarily differ as well. Each of the procedures, however, is guided by the same principles of fundamental fairness and respect for all parties, which require notice, an equitable opportunity to be heard, and an equitable opportunity to respond to a report under this Sexual Assault and
Harassment Policy.

The procedures for resolution for complaints against students are provided in section XI of this policy. The College’s policy governing staff and related grievance procedures can be found in Chapter 11 of the Employee Handbook. The College’s policy governing instructional staff and related grievance procedures can be found in section II.C.1. of the Handbook for Instructional Staff.

XI. Procedures for resolution of complaints against students

I. Procedural options

As outlined in the reporting section of the Sexual Assault and Harassment Policy, an individual who wishes to make a report of sexual misconduct is encouraged to make a report directly to the Title IX coordinator. In every report of sexual misconduct, the College, through the coordinated efforts of the Title IX team, will conduct an initial Title IX assessment. At the conclusion of the Title IX assessment, the report will be referred for remedies-based resolution or investigation to determine if there is sufficient information to proceed with judicial resolution. Remedies-based resolution does not involve disciplinary action against a respondent. Student Conduct resolution is a sanctions-based approach that may involve discipline up to and including expulsion.

II. Title IX assessment

Upon receipt of a report, the College, through the coordinated efforts of the Title IX team, will conduct an initial Title IX assessment. The first step of the assessment will usually be a preliminary meeting with the complainant with the Title IX coordinator or a member of the Title IX team. The purpose of the preliminary meeting is to gain a basic understanding of the nature and circumstances of the report; it is not intended to be a full investigation interview. At this meeting, the complainant will be provided with information about resources, procedural options, and interim remedies.

This initial review will proceed to the point where a reasonable assessment of the safety of the individual and of the campus community can be made. Thereafter, an investigation may continue depending on a variety of factors, such as the complainant’s wish to pursue disciplinary action, the risk posed to any individual or the campus community by not proceeding, and the nature of the allegation.

In the course of this assessment, the College will consider the interest of the complainant and the complainant’s expressed preference for the manner of resolution. Where possible and as warranted by an assessment of the facts and circumstances, the College will seek action consistent with the complainant’s request.

As part of the initial assessment of the facts, the Title IX Coordinator or designee(s) will:

• assess the nature and circumstances of the allegation;

• address immediate physical safety and emotional well-being of the complainant;
• notify the complainant of the right to contact law enforcement and seek medical treatment;

• notify the complainant of the importance of preservation of evidence;

• enter the report into the College’s daily crime log;

• assess the reported conduct for the need for a timely warning under the Clery Act;

• provide the complainant with information about on- and off-campus resources;

• notify the complainant of the range of interim accommodations and remedies;

• provide the complainant with an explanation of the procedural options, including remedies-based resolution and judicial resolution;

• identify an adviser, advocate, and/or support person for the complainant;

• assess for pattern evidence or other similar conduct by respondent;

• discuss the complainant’s expressed preference for the manner of resolution and any barriers to proceeding; and

• explain the College’s policy prohibiting retaliation.

Where a complainant requests that a name or other identifiable information not be shared with the respondent or that no formal action be taken, the College will balance this request with its dual obligations to provide a safe and non-discriminatory environment for all College community members and to afford a respondent fundamental fairness by providing notice and an opportunity to respond before action is taken against a respondent.

In the event that a complainant does not wish to proceed with an investigation or judicial resolution, the Title IX coordinator, in consultation with the Title IX team, will determine, based on the available information, including any investigative report, whether the investigation or judicial resolution proceedings should nonetheless go forward. In making this determination, the College will consider, among other factors, whether the complainant has requested confidentiality; whether the complainant wants to participate in an investigation or judicial hearing; the severity and impact of the sexual misconduct; the respective ages of the parties; whether the complainant is a minor under the age of 18; whether the respondent has admitted to the sexual misconduct; whether the respondent has a pattern of committing sexual misconduct; the existence of independent evidence; and the extent of prior remedial methods taken with the respondent.

The College will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation, but its ability to do so may be limited based on the nature of the request by the complainant. The College will assess any barriers to proceeding, including retaliation,
and will inform the complainant that Title IX prohibits retaliation and the College will take strong responsive action to protect the complainant. Where the College is unable to take action consistent with the request of the complainant, a member of the Title IX team will communicate with the complainant about the College’s chosen course of action.

At the conclusion of the Title IX assessment, the Title IX team will determine the appropriate manner of resolution and, if appropriate, refer the report for remedies-based resolution or investigation to determine if there is sufficient information to pursue judicial resolution.

The determination as to how to proceed will be communicated to the complainant in writing. Depending on the circumstances and requested resolution, the respondent may or may not be notified of the report or resolution. A respondent will be notified when the College seeks action that would impact a respondent, such as protective measures that restrict the respondent’s movement on campus, the initiation of an investigation or the decision to involve the respondent in remedies-based resolution.

Even if judicial resolution is not pursued, the College will have the discretion to require the respondent to participate in remedial measures that ensure sufficient education and counseling of the College’s policies.

III. Remedies-based resolution

Remedies-based resolution is a non-judicial approach designed to eliminate a hostile environment without taking disciplinary action against a respondent. Where the Title IX assessment concludes that remedies-based resolution may be appropriate, the College will take immediate and corrective action through the imposition of individual and community remedies designed to maximize the complainant’s access to the educational and extracurricular activities at the College.

Examples of potential individual remedies are provided in policy section IX: interim measures. Other potential remedies include targeted or broad-based educational programming or training, direct communication with the respondent by the complainant, communication with the respondent by the Title IX coordinator or a College administrator, or appropriate forms of restorative justice. Depending on form of remedies-based resolution used, it may be possible for a complainant to maintain anonymity.

The College will not compel a complainant to engage in mediation, to directly communicate with the respondent, or to participate in any particular form of remedies-based resolution. Mediation, even if voluntary, may not be used in cases involving sexual assault. The decision to pursue remedies-based resolution, which may occur at any time, will be made when the College has sufficient information about the nature and scope of the conduct. Participation in remedies-based resolution is voluntary, and a complainant can request to end remedies-based resolution at any time.

The Title IX coordinator will maintain records of all reports and conduct referred for remedies-based resolution. Remedies-based resolution will typically be commenced
IV. Details of the Investigation

Where the Title IX assessment concludes that disciplinary action may be appropriate, the College will initiate an investigation. The College may designate an investigator of its choosing, provided that the investigator has specific training and experience investigating allegations of sexual misconduct. Any investigator chosen to conduct the investigation must be impartial and free of any conflict of interest. The College will typically designate a deputy Title IX coordinator and/or a member of the Department of Public Safety, although the College may also choose to engage an external investigator at its discretion.

The investigator will conduct the investigation in a manner appropriate in light of the circumstances of the case. The investigator will coordinate the gathering of information from the complainant, the respondent, and any other individuals who may have information relevant to the determination. The investigator will also gather any available physical or medical evidence, including documents, communications between the parties, and other electronic records as appropriate. The investigator may consider prior allegations of, or findings of responsibility for, similar conduct by the respondent. The complainant and respondent will have an equal opportunity to be heard, to submit evidence, and to identify witnesses who may have relevant information.

The investigation is designed to provide a fair and reliable gathering of the facts. The investigation will be thorough, impartial, and fair, and all individuals will be treated with appropriate sensitivity and respect. As described in the privacy section of this policy (see section IV), the investigation will be conducted in a manner that is respectful of individual privacy concerns.

The investigation will usually be completed within 30 (thirty) business days of receiving the complaint, but this time frame may be extended depending on the complexity of the circumstances of each case. At the conclusion of the investigation, the investigator will prepare a report setting forth the facts gathered. The report will be factual in nature and will not make a finding of responsibility or an assessment of credibility. The complainant and respondent will have the opportunity to file a written response to the investigation report.

The Title IX coordinator, in consultation with the student conduct administrator, will review the investigation report and make a threshold determination as to whether the allegations, if proven, would provide sufficient information upon which a hearing panel could find a violation of this sexual misconduct policy. The student conduct administrator is typically the senior class dean and director of student conduct, although another dean may serve as the designee. If the Title IX coordinator determines that this threshold has been reached, the student conduct administrator will issue a notice of charge to begin the sexual misconduct complaint process.

If the Title IX coordinator determines that this threshold has not been reached, the complainant and respondent will be notified in writing. The complainant will have the opportunity to seek review by the dean of students by filing a written request for review.
within five (5) business days. The dean of students may affirm the threshold finding of the Title IX coordinator, reverse the finding of the Title IX coordinator, or remand the matter for additional investigation, as warranted. The dean of students will render a decision in writing, to both parties, within five (5) business days of receipt of the request for review. The decision of the dean of students is final.

V. Student sexual assault and harassment complaint process

Student complaints of the Sexual Assault and Harassment Policy will occur through the use of an administrative hearing or the use of an external adjudicator.

A. Administrative hearing

A complaint under this policy will typically be resolved by an external adjudicator. A complainant or respondent, however, may request resolution through an administrative hearing, in which the student conduct administrator will meet with the complainant and respondent to determine responsibility and render a decision as to what sanctions, if applicable, may be implemented. Both parties must agree to resolution by administrative hearing. The investigative report will serve as the primary evidence in making a determination of responsibility. Both parties must have notice, the opportunity to review the investigative report in advance, and the opportunity to present relevant information to the student conduct administrator.

An administrative hearing is particularly appropriate when the respondent has admitted to the sexual misconduct and there is no discernible dispute in the relevant facts of the investigation report; however, at the discretion of the student conduct administrator, it may also be used when the facts are in dispute. In reaching a determination as to whether the Sexual Assault and Harassment Policy has been violated, the student conduct administrator will reach a determination by a preponderance of the evidence—that is, whether the conduct was more likely than not to have occurred as alleged. Depending upon the nature and severity of the allegations, the student conduct administrator may decline to handle the matter administratively and refer the case to an external adjudicator at any time.

B. External adjudicator

Typically, the College will retain an external adjudicator, to assume the role of convener of a hearing panel.

The external adjudicator, will be a neutral party outside of the College, usually an attorney or seasoned student conduct administrator, who is trained and experienced in dispute resolution, the dynamics of sexual misconduct, and is trained in the College’s policies and procedures. The external adjudicator is supported by the student conduct administrator, who will be present during the hearing, to serve as a resource for the external adjudicator on issues of policy and procedure, and to see that policy and procedure are appropriately followed throughout the hearing.

If the external adjudicator determines, by a preponderance of the evidence, that the
respondent has violated the Sexual Assault and Harassment Policy, the student conduct administrator, in consultation with the external adjudicator, will determine the appropriate sanction.

D. Pre-hearing procedures for student sexual misconduct complaint process

1. Initiation of charges

The College is responsible for investigating allegations of sexual misconduct, determining if a threshold has been reached, and initiating charges. If the Title IX coordinator makes the threshold determination to resolve the complaint through the student conduct process, the student conduct administrator will issue a letter to both parties, typically within ten (10) business days, indicating that a formal charge has been issued by the College.

Both the complainant and the respondent will be given notice of the specific charges and the opportunity to be heard before a final determination of the case is reached.

2. Group infractions

When members of a student group, organization, or team or individuals acting collusively operate in concert in violation of the Sexual Assault and Harassment Policy, they may be charged as a group or as individuals, and a hearing may proceed against the group as joint respondents or against one or more involved individuals as appropriate given available information and the circumstances.

3. Advisers and support persons

**Adviser.** In any hearing, the complainant and respondent have the right to be assisted by a trained adviser, who will be a person made available by and through the College. The adviser may accompany the student to any meeting with a College employee and to the hearing. The adviser may not speak during the hearing.

**Support person.** The complainant and respondent have the right to be assisted by a support person of their choice. The support person typically is a member of the Swarthmore College community (current student, faculty member, staff member, or administrator), but is not limited.

To serve as a support person, the individual will be required to meet with the student conduct administrator in advance of any participation in the proceedings.

The support person cannot be a witness in the proceedings. The support person is a silent and non-participating presence who is there solely to observe and provide moral support during the hearing and meetings leading to the hearing. This person is not to address the panel, except to ask for a short recess if one of the parties requires some time to compose her/himself or collect her/his thoughts. The student conduct administrator has the right at all times to determine what constitutes appropriate behavior on the part of a support person and whether the person may remain at the proceedings.
Absent extenuating circumstances, witnesses and others involved in an investigation or hearing are not entitled to have a support person.

4. Role of the attorney/outside agreements

A complainant or respondent may choose to seek the advice and assistance of an attorney at their own expense. An attorney may serve as a support person but must abide by the Advisor and support person guidelines (see above). Additionally, the College will not recognize or enforce agreements between the parties reached outside of these procedures. If the support person is an attorney, the College’s attorney may also attend the hearing.

5. Pre-hearing meeting with complainant and respondent

When a hearing is deemed necessary based on the review of the investigation report, the student conduct administrator, grievance advisor, and/or the violence prevention educator and advocate will contact the complainant and/or respondent to schedule separate meetings with each party. At this pre-hearing meeting, each party will receive an explanation of the hearing process and have the opportunity to ask any questions before the hearing occurs. If the complainant and/or respondent have elected to have advisers or a support person throughout the hearing process, that person is encouraged to be present at this initial meeting.

6. Notice of hearing

Once each party has met with the student conduct administrator, a notice of hearing is sent to the complainant and the respondent. The notice of hearing provides each party with a statement of the policy violation(s) that are alleged to have taken place and a summary of the facts underlying the allegations. In addition, the notice provides the parties with the designated manner of adjudication (administrative hearing or external adjudicator), the name of the adjudicator or panel members, and the date, time, and place of the hearing.

In general, the hearing will be scheduled approximately fifteen (15) business days after the notice of hearing is sent. Under extenuating circumstances, this time frame may be extended.

7. Challenging External Adjudicator Selection

The complainant and the respondent may submit a written request to the student conduct administrator to contest the external adjudicator, if there are reasonable articulable grounds to suspect bias, conflict of interest, or an inability to be fair and impartial. This challenge must be raised within four (4) business days of receipt of the notice of hearing. All objections must be raised prior to the commencement of the hearing. The student conduct administrator will make the determination whether to seek an alternative external adjudicator.

8. Pre-hearing review of documents
The complainant and the respondent will each have the opportunity to review all investigative documents, subject to the privacy limitations imposed by state and federal law, at least five (5) business days prior to the hearing. The investigative documents will include the investigation report, any witness statements, and any other documentary information that will be presented at the hearing.

9. Witnesses

The complainant and respondent will be asked to identify witnesses. Witnesses must have observed the acts in question or have information relevant to the incident and cannot be participating solely to speak about an individual’s character. Witnesses will be interviewed and relevant information will be included in the investigation report. Witnesses will only be called to participate in the hearing at the request of the adjudicator.

10. Statements

The complainant and the respondent will have the opportunity to provide written statements. The complainant may submit a written statement to initiate the student sexual misconduct complaint process. The respondent may provide a response statement after they have received notice of a complaint.

11. Relevance

The student conduct administrator will review the investigation report, any witness statements, and any other documentary evidence to determine whether the information contained therein is relevant and material to the determination of responsibility given the nature of the allegation. In general, the student conduct administrator may redact information that is irrelevant, more prejudicial than probative, or immaterial. The student conduct administrator may also redact statements of personal opinion, rather than direct observations or reasonable inferences from the facts, and statements as to general reputation for any character trait, including honesty.

In cases where an external adjudicator will hear the case, the student conduct administrator may forego redaction of investigative materials to allow the external adjudicator to determine the relevance and/or weight to give to any information.

12. Prior sexual history and/or pattern evidence

**Prior sexual history of a complainant.** In general, a complainant’s prior sexual history is not relevant and will not be admitted as evidence at a hearing. Where there is a current or ongoing relationship between the complainant and the respondent, and the respondent alleges consent, the prior sexual history between the parties may be relevant to assess the manner and nature of communications between the parties. As noted in other sections of the Sexual Assault and Harassment Policy, however, the mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Any prior sexual history of the complainant with other individuals is typically not relevant and will not be permitted.
Pattern evidence by a respondent. Where there is evidence of a pattern or conduct similar in nature by the respondent, either prior to or subsequent to the conduct in question, regardless of whether there has been a finding of responsibility, this information may be deemed relevant and probative to the panel’s determination of responsibility and/or assigning of a sanction. The determination of relevance will be based on an assessment of whether the previous incident was substantially similar to the present allegation or information and indicates a pattern of behavior and substantial conformity with that pattern by the respondent. Where there is a prior finding of responsibility for a similar act of sexual misconduct, there is a presumption of relevance and the finding may be considered in making a determination as to responsibility and/or assigning of a sanction.

Any party seeking to introduce information about prior sexual history or pattern evidence should bring this information to the attention of the investigator at the earliest opportunity. The College, through the student conduct administrator (or, if the student conduct administrator deems appropriate, through the external adjudicator), may choose to introduce this information, with appropriate notice to the parties. A party who has provided this information to the investigator may submit a written request to the student conduct administrator seeking its admission at the hearing. If this information was not previously submitted, the College will refer the new information to the investigator, which may cause the scheduling of the hearing to be delayed.

Where a sufficient informational foundation exists, the student conduct administrator, in consultation with the Title IX coordinator, will assess the relevance, form, and reliability of the information (hearsay will not be permitted) and determine if it is appropriate for inclusion at the hearing. (In cases heard by an external adjudicator, the student conduct administrator may decide to have the external adjudicator make this decision.)

To aid in an advance determination of relevance, the following must be submitted to the student conduct administrator via email or in hardcopy format no later than five (5) business days after the notice of the charge has been made:

• a written statement and/or description of the proposed information, if not already provided during investigation;

• a summary of the relevance of this information to making a decision of responsibility at the hearing; and

• if not provided during the investigation, a brief explanation of why this information was not shared with the investigator.

If this information is approved as appropriate for presentation at the hearing, the respondent and complainant will be provided with a brief description of the approved information no later than five (5) business days before the hearing.

13. Request to reschedule hearing

Either party can request to have a hearing rescheduled. Absent extenuating
circumstances, requests to reschedule must be submitted to the student conduct administrator at least three (3) business days prior to the hearing. A request to reschedule a hearing must be supported by a compelling reason for the delay. The student conduct administrator may also reschedule the hearing, without a request by the parties, when there is reasonable cause to do so.

14. Consolidation of hearings

The student conduct administrator has the discretion to consolidate multiple reports against a respondent in one hearing if the evidence related to each incident would be relevant and probative in reaching a determination on the other incident.

E. Hearing procedures (external adjudicator)

1. Attendance at hearing

If a party misses a hearing for any non-emergency or non-compelling reason, the hearing may be held in the individual’s absence at the discretion of the student conduct administrator.

If a respondent chooses to withdraw from the College prior to the conclusion of an investigation or student conduct resolution under the Sexual Assault and Harassment Policy, for non-medical- or non-disability-related reasons, the student must go through the re-entry process coordinated by the Dean’s Office and, except where the dean in her/his sole discretion finds exceptional circumstances, the case must be heard prior to the student’s readmission to the College.

A complainant or respondent may request participation by other suitable means that would not require physical proximity to the other party. This can include, but is not limited to, partitioning a hearing room or using technology, such as Skype or conference call from an alternative location, to facilitate participation. Any proposed alternative must be reviewed in advance to ensure that it is consistent with the goals of a fair and equitable process.

2. Participants in hearing procedures

The hearing is closed, meaning it is not open to the public. The complainant, the respondent, any individuals serving as advisers or support person, and any individuals who are witnesses may appear before the hearing panel. Witnesses may only be present for their own testimony.

3. Safeguarding of privacy

All parties involved in a hearing are required to keep the information learned in preparation for the hearing and at the hearing private. Consistent with the Family Educational Rights and Privacy Act (FERPA) regulations, the parties, panel members, and external adjudicators may not share any copies of documents. All copies provided must be returned to the College at the conclusion of the hearing and any appeals. Any
breach of this duty is subject to disciplinary action by the College.

4. Hearing procedures

A hearing is intended to provide a full and fair opportunity for the complainant and respondent to present their account of events and for the panelists to determine the facts of the case, make a determination regarding the alleged violations of College regulations, and to recommend appropriate sanctions, if necessary.

The student sexual misconduct process is an administrative process and it is not subject to the same standards as a court of law. Rules of evidence ordinarily found in legal proceedings shall not be applied, nor shall any deviations from these prescribed procedures alone invalidate a decision, unless significant prejudice to a complaint, respondent, or the College may result.

The external adjudicator is expected to review all information pertinent to the incident in question. The investigative report will be made available for the external adjudicator to review at least five (5) business days prior to the hearing. Other relevant information supporting the violation(s) alleged may be offered in the form of written statements, documents, items, or oral information from the complainant, the respondent, and witnesses.

A hearing will be called to order by the student conduct administrator, who will explain the hearing process and will provide an opportunity for all parties to ask procedural questions prior to initial statements and the presentation of information.

The investigator will provide a brief opening statement summarizing the investigation. The opening statement should focus on the areas of agreement and disagreement in order to assist the panelists in prioritizing areas of inquiry. The external adjudicator, complainant, or respondent may make brief inquiries of the investigator at this juncture, as there will be additional opportunity to ask questions of the investigator after the hearing panel has heard from the complainant, the respondent, and any witnesses.

The complainant may present a brief narrative statement. The external adjudicator may pose questions to the complainant. After the complainant is finished, the respondent may present a brief narrative statement. The external adjudicator may pose questions to the respondent.

Witnesses on behalf of the complainant and the respondent may then be questioned by the adjudicator. Each witness will be permitted to give a brief narrative statement but need not do so.

After hearing from the investigator, complainant, respondent, and/or witnesses, the external adjudicator may call any party back, for additional questions or clarifications.

At the conclusion of the questioning period, the complainant and respondent will each be given the opportunity to give a brief closing statement.
5. Questioning by external adjudicator

It is the responsibility of the external adjudicator to assure that the information necessary to make an informed decision is presented. The external adjudicator may play an active role in questioning both parties and witnesses involved in the case. At times, the external adjudicator may need to ask difficult or sensitive questions in order to understand areas of factual dispute or gain a full understanding of the context.

At no time will the complainant or the respondent be permitted to directly question one another.

Parties and other individuals who offer information at a hearing are expected to respond honestly and to the best of their knowledge. The external adjudicator reserves the right to recall any party or witness for further questions and to seek additional information necessary to make a decision. A complainant, respondent, or witness who intentionally provides false or misleading information may be subject to discipline under this policy.

6. Deliberation

After all of the information has been presented, all parties will be dismissed from the hearing room so that the external adjudicator may deliberate in private. The student conduct administrator may remain for deliberations to offer clarifications about policy. The external adjudicator will make a decision, determining if there were any violations of the Sexual Assault and Harassment Policy.

The findings of the external adjudicator will be reduced to writing by the external adjudicator and/or student conduct administrator. The findings will detail the findings of fact and determination of responsibility, making reference to the evidence that led to the finding.

7. Preponderance of the evidence

The external adjudicator will determine a respondent’s responsibility by a preponderance of the evidence. This means that the external adjudicator will decide whether it is “more likely than not,” based upon the information provided at the hearing, that the respondent is responsible for the alleged violation(s).

8. Sanctions

The complainant and respondent will each have the opportunity to present a written statement about the impact of the violation and/or requested sanctions. The external adjudicator will review these statements only if the external adjudicator finds the respondent responsible for one or more violations.

If the external adjudicator finds a student, group, or organization responsible for a violation of the Sexual Assault and Harassment Policy, the student conduct administrator, in consultation with the external adjudicator, will determine the appropriate sanction.
The sanctions may include, but are not limited to, those set forth in the Student Handbook. In particular, a violation of this policy may result in suspension or expulsion from the College. The sanctions may include remedial or corrective actions as warranted. In general:

- Any student who is determined to have committed sexual assault (involving sexual penetration) may receive a sanction ranging from suspension to expulsion.

- Any student who is determined to have committed sexual assault (involving sexual contact) may receive a sanction ranging from conduct warning to expulsion.

- Any student who is determined to have engaged in any other prohibited form of conduct may receive a sanction ranging from conduct warning to expulsion.

The student conduct administrator may broaden or lessen any range of recommended sanctions based on serious mitigating circumstances or egregiously offensive behavior. The student conduct administrator will not deviate from the range of recommended outcomes unless compelling justification exists to do so. The student conduct administrator may issue a single sanction or a combination of sanctions.

In considering the appropriate sanction within the recommended outcomes, student conduct administrator will consider the following factors:

(1) the respondent’s prior discipline history;

(2) how the College has sanctioned similar incidents in the past;

(3) the nature and violence of the conduct at issue;

(4) the impact of the conduct on the complainant;

(5) the impact of the conduct on the community, its members, or its property;

(6) whether the respondent has accepted responsibility;

(7) whether the respondent is reasonably likely to engage in the conduct in the future;

(8) the need to deter similar conduct by others; and

(9) any other mitigating or aggravating circumstances, including the College’s values.

Absent compelling justifications, if the respondent has engaged in the same or similar conduct in the past, the sanction will be expulsion.

The student conduct administrator should also consider other remedial actions that may be taken to address and resolve any incident of discrimination or harassment and to prevent the recurrence of any discrimination, including strategies to protect the complainant and any witnesses from retaliation; provide counseling for the complainant; other steps to address any impact on the complainant, any witnesses, and the broader
student body; and any other necessary steps reasonably calculated to prevent future occurrences of harassment.

A full list of the range of sanctions is contained in the Student Handbook.

9. Notice of outcome

The student conduct administrator will communicate the finding to the respondent and the complainant simultaneously. The notice will be in writing and will include notification of appeal options. Generally, the outcome of the hearing will be final and communicated to the parties within five (5) business days from the date the hearing is concluded.

The respondent will be informed of any sanctions, the date by which the requirements must be satisfied (if applicable), and the consequences of failure to satisfy the requirements. The complainant will be informed of any sanctions that directly relate to the complainant.

The imposition of sanctions will take effect immediately and will not be stayed pending the resolution of the appeal.

10. Recording of proceedings

The College will not audio or video record the student conduct proceedings or deliberations, nor is any other individual permitted to record the proceedings.

F. Appeals

Either party may appeal the determination of responsibility or sanction(s) in writing to the dean of students or designee. The appeal must be filed within five (5) business days of receiving the written notice of outcome.

The complainant and/or respondent may appeal only the parts of the determination of responsibility or sanctions directly relating to them. Dissatisfaction with the outcome of the hearing is not grounds for appeal. The limited grounds for appeal are as follows:

• new evidence that could affect the finding of the hearing and that was unavailable at the time of the hearing;

• procedural error(s) that had a material impact on the fairness of the hearing; and

• the sanctions imposed were grossly disproportionate to the violation committed.

The appeal shall consist of a plain, concise, and complete written statement outlining the grounds for the appeal. Upon receipt of an appeal, the dean of students will notify both parties. Each party has an opportunity to respond in writing to the appeal. Any response to the appeal must be submitted within five (5) business days from receipt of the appeal.

The appeal consideration will be conducted in an impartial manner by an impartial
decision-maker. In any request for an appeal, the burden of proof lies with the party requesting the appeal, as the original determination and sanction are presumed to have been decided reasonably and appropriately. The appeal is not a new review of the underlying matter. The dean of students shall consider the merits of an appeal only on the basis of the three (3) grounds for appeal and supporting information provided in the written request for appeal and the record of the original hearing. The dean of students can affirm the original findings, alter the findings, and/or alter the sanctions, depending on the basis of the requested appeal.

If the appeal is based on procedures not having been followed in a material manner, the dean of students can ask that a new hearing occur before a newly constituted hearing panel.

In the case of new and relevant information, the dean of students can recommend that the case be returned to the original hearing panel/external adjudicator to assess the weight and effect of the new information and render a determination after considering the new facts.

The dean of students will communicate the result of the appeal to the complainant and respondent within ten (10) business days from the date of the submission of all appeal documents by both parties. Appeal decisions are final.

G. Records

The Title IX coordinator will retain records of all reports, allegations, and complaints, regardless of whether the matter is resolved by Title IX assessment, remedies-based resolution, or judicial resolution. Complaints resolved by Title IX assessment or remedies-based resolution are not part of a student’s conduct file or academic record.

Affirmative findings of responsibility in matters resolved through student conduct resolution are part of a student’s conduct record. Such records shall be used in reviewing any further conduct or in developing sanctions and shall remain a part of a student’s conduct record.

The conduct files of students who have been suspended or expelled from the College are maintained in the Dean of Students Office for no fewer than seven (7) years after their departure from the College. Further questions about record retention should be directed to the dean of students.

Medical and law schools and some governmental agencies may require disclosure by the College of any student conduct findings. Students who transfer to other schools or participate in off-campus study programs may also be required to provide such information.

At the beginning of each academic year the director of student conduct will produce a summary of case dispositions summarizing the outcome of all cases that were heard the previous academic year, without revealing the identity of any of the participants in the proceedings.