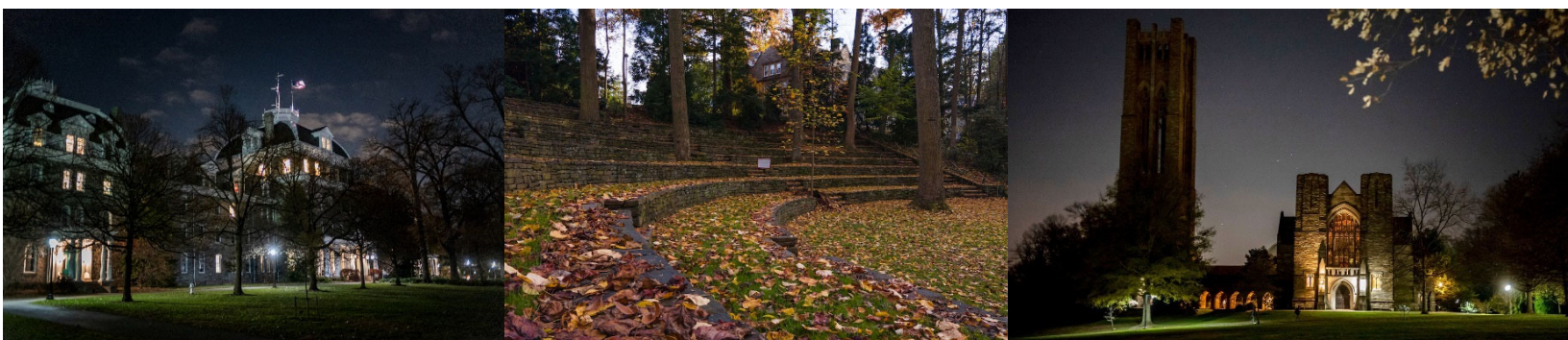


## 2020 Swarthmore College Annual Fire Safety and Security Report



Containing data and information from the calendar years 2017 through 2019

Hard copies available upon request at the Department of Public Safety, Ben West House, 500 College Ave Swarthmore, Pennsylvania 19081

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## Message from the President of Swarthmore College

Dear Swarthmore College Community Members,

I urge you to read carefully this annual security report, which includes information on campus safety measures as well as statistics on crime at the College and in the larger Swarthmore community. This kind of information helps us understand our environment better so that we can be more vigilant in fulfilling the responsibility to care for and protect one another.

All of us who are part of this community — students, faculty, and staff — have different responsibilities associated with our respective roles here. But it is *everyone's* job to help ensure that our community is safe and secure.

A safe and secure community is one in which we all feel free to be who we are and to express what we think, feel, and believe. All of us must also do our part to keep others safe from the dangers of physical harm.

I know that we are united in our desire for our campus to be a safe place for people to visit, to teach, to learn, to work, and to live. Reading this report will help all of us make Swarthmore an even safer living and learning environment.

Sincerely,

Val Smith



**President Val Smith**

## Message from the Director of Public Safety

In compliance with Pennsylvania's 1988 "College and University Security Information Act," the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, the Campus Fire Safety Right To Know Act, and the 2013 Violence Against Women Reauthorization Act (VAWA), Swarthmore College provides the following information for your use.

Before continuing on, it is important to point out that Swarthmore College is an open campus and we welcome visitors. Crimes exist in our society at large and, while the College has a variety of crime prevention programs and services, we count on every member of our community to be aware of their surroundings.

Safety is a shared responsibility that lies with each of us. Students, faculty, and staff working together can be a formidable opposition to criminals and to help the members of our community. We strongly encourage everyone to promptly report all criminal activity and suspicious persons. We also recommend you avail yourself of the numerous existing programs and services to enhance your safety and awareness, here and abroad. We are here to serve our community and welcome your questions, comments, and suggestions.

Michael J. Hill

Director of Public Safety



**Director Mike Hill**

# Annual Security Report

## About Swarthmore College

Swarthmore College is a coeducational institution founded in 1864 by members of the Religious Society of Friends. It occupies approximately 425 acres of privately-owned land predominantly in the borough of Swarthmore in Delaware County, Pennsylvania. There are approximately 1,647 undergraduate students enrolled for the 2019 - 2020 academic year with approximately 50% occupying College housing. There are 1016 non-student personnel employed on campus in a full-time capacity.

## Preparation of the Annual Security Report and Disclosure of Crime Statistics

The Department of Public Safety publishes this report based on information maintained in its records, as well as information collected from local law enforcement, various individuals and departments at the College, such as the Title IX Coordinator, Dean's Office, CSA's, or online reporting. Every effort is made to build a close working relationship with students, staff and faculty to ensure they submit statistical information about criminal activity. There is also an on-line form, located on the Department of Public Safety web site that individuals may choose to use to report incidents. The data is then entered in the College's daily crime log and used in the annual statistical report. Each year, typically no later than October 1<sup>st</sup>, the Department of Public Safety provides to all enrolled students, faculty and staff an e-mail notification with the website address to access the annual report and campus crime statistics. Additionally, a postcard is placed in every student mail box and cards are provided to Admissions and Human Resources. As a result of the COVID-19 pandemic, the 2020 Annual Report has been extended to December 31, 2020. Copies of the report may also be obtained from the Department of Public Safety office located on campus in the Benjamin West House or by calling (610-328-8281). All prospective employees may obtain a copy from Human Resources located at 101 S. Chester Road, first floor, or by calling 610-328-8397. The College Admissions Office will provide paper copies of these reports on request. The report's website address is also incorporated into the current employee application software program and the Admissions Office application process.

## Reporting of Crimes and Other Emergencies

Swarthmore College encourages all campus community members and visitors to campus to report all crimes and suspicious conditions in a timely manner by calling Public Safety at **(610) 328-8333** for emergencies and **(610) 328-8281** for non-emergencies. Community members may also contact Swarthmore Borough Police Department to report criminal activity at **911** for emergencies, and **610-543-0123** for non-emergencies. Telephone calls into Public Safety are recorded for documentation and investigative purposes. Communications Officers are on duty at these phone numbers 24 hours a day every day of the year. The Department of Public Safety, located at the Benjamin West House, is also open 24/7 for one to report a crime (or other concerns) in person. Outside blue light and courtesy telephones on campus connect immediately to Public Safety by pushing the "Emergency" button. Dialing #911 from any campus phone will summon emergency assistance from Swarthmore Borough Fire or Police Departments. In response to a report, the Department of Public Safety will take the required action, dispatching an officer(s) to the scene, and/or informing the caller of the methods to file a report.

Officers detail significant campus incidents in a report that is typically forwarded to the V.P. for Student Affairs, the V.P. of Finance and Administration, and the A.V.P. for Sustainable Facilities Operation and Capital Planning. Other College entities, as well as local law enforcement and fire officials, may also be informed when it is deemed to be appropriate. Public Safety investigators, who often work in concert with



local and county law enforcement whenever circumstances warrant their involvement, are responsible for conducting follow-up investigation of specific incidents, when needed. We highly encourage the prompt reporting of all criminal offenses to aid in the College's decision to issue emergency notifications or timely warnings, as required and for the annual crime statistics compilation and disclosure.

It is the policy of Swarthmore College to encourage prompt and accurate reporting of crimes either directly to Public Safety, Swarthmore Borough Police, or to one of the College Deans. This reporting policy is incorporated into new student and new employee orientation presentations, annual Resident Assistant training, and various College publications including the Student Handbook. The Department of Public Safety, through its various programs, including Public Safety Advisory Committee (PSAC), Swarthmore Working Activities Table Talk (SWATT), Open Houses, and regularly delivers crime reporting advocacy information to the community. The Resident Assistants (RA), SWAT Team, and Student Academic Mentors (SAM) are trained as Campus Security Authorities, and charged with providing students information regarding crime reporting options.

While the College encourages all campus community members to promptly report all crimes and other emergencies directly to the Public Safety or law enforcement agencies when the victim of a crime elects to or is unable to make such a report as a result of physical or mental incapacitation, we also recognize that some may prefer to report to other individuals or College offices. The Clery Act recognizes certain College officials and offices as "Campus Security Authorities (CSA)." The Act defines these individuals as any "official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution." A list of employees designated as Campus Security Authorities is available on the Department of Public Safety's website at [www.swarthmore.edu/public-safety/2020-21-csas](http://www.swarthmore.edu/public-safety/2020-21-csas). Employee CSAs include members of the Athletics Department, Public Safety team, Dean's Office staff, Presidents Office staff, certain academic departments, and General Counsel staff.

### **Voluntary Confidential Reporting**

If crimes are never reported, little can be done to help other members of the community from also being victims. We encourage Swarthmore College community members to report crimes promptly and to participate in and support crime prevention efforts. Swarthmore College community will be much safer when all community members participate in safety and security initiatives.

If you are the victim of a crime or want to report a crime you are aware of, but do not want to pursue action within Swarthmore College or criminal justice system, we ask that you consider filing a voluntary, confidential report. Depending upon the circumstances of the crime you are reporting, you may be able to file a report while maintaining your confidentiality. The purpose of a confidential report is to comply with your wish to keep your personally identifying information confidential, while taking steps to ensure your safety and the safety of others. Confidential reports allow Swarthmore College to compile accurate records on the number and types of incidents occurring on campus. Reports filed in this manner are counted and disclosed in the Annual Fire Safety and Security Report. In limited circumstances, the Department may not be able to assure confidentiality and will inform you in those cases.

Anyone may complete the following forms as indicated:

**BEFORE YOU BEGIN** to complete any online form, if this is an emergency that requires immediate attention, please contact Public Safety at 610-328-8333 or by dialing 911 prior to filling out the online form.

- [Public Safety Reporting Form](#) at:  
cm.maxient.com/reportingform.php?SwarthmoreCollege&layout\_id=1
- [Title IX Concern Form](#) at: cm.maxient.com/reportingform.php?SwarthmoreCollege&layout\_id=2
- [CARE \(Campus Assessment Response and Evaluation\) Team](#) at:  
cm.maxient.com/reportingform.php?SwarthmoreCollege&layout\_id=1
- [Bias Incidents Form](#) at: cm.maxient.com/reportingform.php?SwarthmoreCollege&layout\_id=4

The College has also partnered with Compliance Line Inc, which is an external agency, to provide an opportunity for completely anonymous reporting at 1-866-292-7713. All reports of sexual misconduct go to the Title IX coordinator for review and appropriate action. The Title IX coordinator or their designee will respond to all reports submitted. Notifications shall be made for all other reports to appropriate entities and offices. Where there is sufficient information, the College will ensure any third-party reports are investigated and included for compliance with the Clery Act.

### **Voluntary, Third Party Reporting**

The College does have anonymous resources available. To the extent possible, privacy and anonymity are considered and reasonably verified reports are included in the crime statistics. If you are the victim of a crime and do not want to pursue action within the College system or the criminal justice system, you may still want to consider making an anonymous report. The purpose of the anonymous report is to comply with your wish to keep the matter as private as possible, while taking steps to ensure the future safety of yourself and others. With such information, the College can keep an accurate record of the number of incidents involving students, faculty, staff and visitors; determine where there is a pattern of crime with regard to a particular location, method, or assailant; and alert the campus community of potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution.

Anonymous reports can be completed in two ways: First, by using the online reporting methods listed above, and by omitting one's name and contact information in the report, Second, by downloading the mobile application "LiveSafe" onto one's mobile phone, registering the device, and search for and select Swarthmore College. Once connected, anonymous reports for any type of situation can be submitted through the app and will be received by Public Safety. Of note, submission of any report anonymously can limit the effectiveness of a full and thorough investigation and adjudication.

The College encourages students, faculty and staff who have witnessed a crime or have been victimized by a crime to report the event to Public Safety or local law enforcement. In the event that a community member does not choose to meet with the aforementioned individuals, one may also make a report anonymously, with the exception of those persons or groups who have been identified as a Campus Security Authority.

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.



In cases involving sexual assault or violence, the Director of Public Safety or a designee of the Department of Public Safety will file a report on the details of the incident and only share your identity with the Title IX coordinator. Individuals may contact the Title IX or Deputy Title IX coordinators directly to report information.

### **Pastoral and Professional Counselors**

In accordance with the Clery Act, pastoral counselors who are associated with a religious order or denomination and are recognized by that religious order or denomination as someone who provides confidential counseling, and are functioning within the scope of that recognition as a pastoral counselor, are not considered Campus Security Authorities when they are acting in that role. This also applies to professional counselors; whose official responsibilities include providing mental health counseling to members of the institution's community and who are functioning within the scope of his or her professional responsibility and who are appropriately credentialed. As a matter of policy, the College encourages pastoral and professional counselors to notify those whom they are counseling of the anonymous reporting options available to them. On an annual basis notification is sent to pastoral and professional counselors to remind them of the policy.

## **About the Department of Public Safety**

### **Role, Training, Authority, and Jurisdiction**

The Department of Public Safety is primarily responsible for the overall security of the campus. Its mission is to "create an atmosphere where department members interact with other community members and organizations providing a prompt, professional, presence. In doing so, we will remain aware of and responsive to the diverse community in which we serve while justly enforcing the rules and regulations of the Swarthmore College community and the Commonwealth of Pennsylvania." The Department of Public Safety is comprised of a Director, two Associate Directors, one sergeant, five Corporals, and ten full-time and five part-time patrol/communication officers. Patrol officers undergo a background check, psychological screening, and physical examination as part of the PA Act 235 certification.

Public Safety officers ensure personal and organizational responsibility and accountability for violations of College policies and regulations. Current certification in cardiopulmonary resuscitation, obstructed airway, standard first aid and automatic external defibrillators is minimally required of all patrol officers. Some officers have advanced medical certifications. Ongoing training is provided for all full-time officers. Public Safety officers are non-sworn and not authorized to make an arrest. However, officers are authorized to detain individuals until such time as local law enforcement arrives to affect an arrest if appropriate. Public Safety officers have received a variety of training and certifications such as Verbal Judo, Cultural Diversity, NARCAN, Stop the Bleed, Nonviolent Crisis Intervention, Implicit Bias, ASIS Private Security Officer Course, PA Act 235, and PA Act 120.

The main campus is roughly bordered by Elm Avenue to the north, Chester Road to the east, Harvard Avenue to the south and Crum Creek to the west. Cunningham athletic fields to the east of Chester Road and a wooded area east of Crum Creek in Nether Providence Township are the most notable exceptions. For additional jurisdiction and patrol area please see the Clery Boundary map on page 132. When a Swarthmore College student is involved in an off-campus offense, Public Safety officers may assist with the investigation in cooperation with local, county, state, or federal law enforcement agencies. The College does not have any

officially recognized student organizations that operate off-campus or that have off-campus housing facilities; however, some students, faculty, and staff live in nearby neighborhoods, most notably in Swarthmore Borough. While Swarthmore Borough police have primary jurisdiction in this area, College Public Safety officers may respond to student-related incidents that occur in close proximity to campus. Public Safety officers may assist in accordance with the Memorandum of Understanding (MOU) that is maintained with the borough police, and document the incident to be shared with appropriate College officials if the incident includes a violation of College policy. The Public Safety Communications Center monitors local police, fire, and ambulance calls and has direct radio communications with them to facilitate a prompt response in emergency situations.

Swarthmore College is considered private property and trespassers may be escorted off campus or arrested by local police. Signs are posted on all College buildings so as to restrict all but students, faculty, staff, and invited guests. These facilities are locked on a flexible schedule dictated by the College calendar.

The Department of Public Safety maintains a 24-hour communications center. Trained staff members perform a variety of tasks including operating the College's telephone console and dispatching calls over the mobile radio system. Criminal incidents and other emergencies can be reported directly by dialing extension 8333 (610-328-8333) from any college telephone. Non-emergency matters should be reported on extension 8281 (610-328-8281). These numbers are prominently listed on the College website and included on printed department publications and correspondence. Public Safety officers are always dispatched first to any campus incident. Depending on the information gathered at the scene, or in some cases from information received by the Department's Communication Officer, the senior patrol officer may request assistance from the Swarthmore Borough fire, ambulance, and/or police departments. Public Safety officers will also summon assistance from other Swarthmore College departments and/or local, county, state, or federal agencies should the nature and scope of the incident indicate the need to do so.

### **Working Relationship with Local, State, and Federal Law Enforcement Agencies**

The Department of Public Safety and the Swarthmore Police Department have an excellent working relationship. While Public Safety officers are non-sworn, when deemed appropriate the Department of Public Safety will jointly investigate misdemeanor and felony crimes occurring on campus with the Swarthmore Police Department or other outside agencies. Swarthmore College Department of Public Safety and Swarthmore Borough Police have a formal memorandum of understanding (MOU) relating to this practice and general response protocols. In addition to the MOU the Department of Public Safety, other College representatives, Swarthmore Police Department, and Borough officials meet regularly to discuss safety issues and work collaboratively. The MOU is reviewed on a biannual basis or as needed based on changes to personnel or as a result of lessons learned after an incident. Pennsylvania State Police and/or the Delaware County Criminal Investigation Unit may assist in serious campus investigations. The Department of Public Safety typically plays a supportive role in these instances.

### **Security of and Access to Campus Facilities**

As primarily a residential college, Swarthmore recognizes the close association of students and instructors as an important element in education. Most students live in college residence halls. Single, double, and group rooms are available. There are no graduate or married housing accommodations. Many members of the faculty and staff live on or near the campus and are readily accessible to students.

Residence halls always remain locked 24/7. Automatic locks on outside residence hall doors are supplemented by posted warnings that these facilities are private property and access is restricted. Student's room doors are individually keyed. Cores are changed in response to any significant security breach. Public Safety officers conduct regular interior and exterior patrols of all College property. Resident Assistants are selected and trained to serve in all residence halls and have on-site responsibility for security, fire protection, and general safety.

Academic and Administrative/Support buildings have electronic access control systems in place to limit access to College community members. Some buildings with public access are open to the public on a limited basis, with officers patrolling and ensuring all occupants are out of the buildings when they close for the day. Academic/Administrative/Support buildings that do not have electronic access control are secured using a key system and are locked in accordance with building use.

Outside lighting assessments are conducted periodically and enhancements are routinely made with input from Student Council representatives, Facilities Management, Public Safety, and other interested individuals. Similar attention is directed toward vegetation as it relates to security concerns. Public Safety works closely with Facilities Services and Information Technology to ensure proper functionality of all outside telephones that ring directly to Public Safety.

The Department of Public Safety immediately notifies the V.P. for Finance and Administration and the V.P. for Student Affairs (or their designee) in the event of any serious incident involving a student. The Dean may mobilize any number of support options for victims of a crime. The Worth Health Center (x8058) and CAPS (Counseling and Psychological Services (x8059) provides service 24 hours a day, the Title IX Office (610-690-3720), and Tier 1 and 2 On-call Dean, Residential Community Coordinators, or Resident Assistants are available on-campus options. Delaware County Women Organized Against Rape (DELCOWAR) maintains active chapters near Swarthmore, and a 24-hour hot line (610-566-4342). An up-to-date listing of local therapists including clinical psychologists, social workers, and psychiatrists in private practice is available in the Health Center on request. College employees may utilize a free, confidential Employee Assistance Program (Carebridge) that provides professional counseling to cope with a variety of issues. They can be contacted 24 hours a day by calling 1-800-437-0911.

Significant criminal incidents and suspicious activity are reported to Swarthmore Borough Police. This information is exchanged with the Swarthmore Police during ongoing and monthly conversations and at the Swarthmore Community Activity Meeting that includes members from Swarthmore College, the Swarthmore Police Department and Borough Council members. Similarly, criminal events occurring in Swarthmore Borough that could impact the College community are communicated to the Department of Public Safety. Campus crime statistics are reported monthly to the Pennsylvania State Police as mandated under the Pennsylvania Uniform Crime Reporting Program.

The College community is kept apprised of security matters in a number of ways. Serious incidents that are listed as Clery Crimes and pose an immediate or ongoing threat to the health and safety of the campus community may be distributed by text, email, voicemail, public address and in flyer form, known as Timely Warnings Notices or Emergency Notifications. Other incidents that do not pose an immediate or ongoing threat but would be sent out for community members situational awareness are distributed as Awareness Bulletins, and may be emailed or are promptly prominently posted in residence halls, libraries, dining areas and other key locations throughout the campus for a minimum of three business days. Information is also

sent via email to all faculty, staff, and students if warranted. The Office of Communications works closely with the local news media when any significant event affecting the larger community transpires. The Daily Crime Log, which is a summary of criminal incidents and events that take place on campus and within a reasonably contiguous geography to campus, is also distributed to particular administrators and shared with the student media.

## **Timely Warning Notices**

The purpose of this policy is to outline procedures that Swarthmore College will use to issue Timely Warnings in compliance with the Clery Act. The College will issue a Timely Warning Notice in the event that it receives notice of an alleged Clery Crime (defined below) occurring on campus, on public property within or immediately adjacent to the campus, or in or on non-campus buildings or property controlled by the College, where the College determines, in its judgment, that the allegations present a serious or continuing threat to the College community.

For purposes of this policy, “timely” means as soon as reasonably practical after an incident has been reported to the Department of Public Safety or the Campus Security Authorities identified by Swarthmore College, or local police agencies that have concurrent jurisdiction have reported the information to the College.

The Director of the Department of Public Safety, or, in his absence or unavailability, his designee, is responsible for determining whether to issue a Timely Warning Notice. If the Director or designee is not available, a member of the College’s emergency response contingent called the 24/7 Team will make the determination (See “Emergency Response” policy). Whether to issue a Timely Warning Notice is determined on a case-by-case basis for Clery Act crimes: homicide, sex offenses (rape, fondling, incest and statutory rape), robbery, aggravated assault, burglary, motor vehicle theft, arson, domestic violence, dating violence, stalking and hate crimes, as defined by the Clery Act. The Director of Public Safety and the 24/7 Team, or their designees may also issue a Timely Warning Notice for other crimes, as determined necessary.

In determining whether to issue a Timely Warning Notice the College will consider any factors reflecting on whether the alleged crime represents a serious or continuing threat to the College community, including, but not limited to, (a) the nature of the incident; (b) when and where the incident took place. A hate crime is defined as: “A crime reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim. The categories of bias include the victim’s actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability incident occurred; (c) when it was reported; (d) the continuing danger to the campus community; and (e) the amount of information known by the Department of Public Safety.

If there is insufficient information available to determine whether the incident represents a serious or continuing threat to the College community, the College will issue a Timely Warning Notice unless, based on the information available, it appears unlikely that there is an ongoing threat to the community, and it will be noted in the content of the Timely Warning Determination form that, based on the information available, the College does not have full information to evaluate the nature of the ongoing threat. The Director of Public Safety will make efforts to consult with the Vice President of Communications or a designee, if s/he is not available, to develop the content of the Timely Warning Notice. Time permitting, additional input may be garnered from additional members of the 24/7 Team, including the V.P. of Finance and Administration, V.P.



of Human Resources, V.P. for Student Affairs, A.V.P. of Facilities and Services. The College's Title IX Coordinator or others may also be consulted in appropriate situations. The reason why the College does or does not issue a Timely Warning Notice for any Clery Crime reported to the College will be documented on the Timely Warning Determination form and maintained by the Department of Public Safety for a minimum of seven years. A copy of the documentation will be attached to the written and electronic copies of the incident report. The Timely Warning Notice will include, to the extent known, the date, time and nature of the offense, a brief overview of its particular circumstances, a physical description of the actor(s), law enforcement's immediate actions, a request and method for witnesses to contact law enforcement, and where applicable and appropriate, cautionary advice that would promote safety.

In developing the content of the Timely Warning Notice, the College will take all reasonable efforts not to compromise ongoing law enforcement efforts. The College distributes Timely Warning Notices in various ways. Once the College determines that a notice will be issued, the Department of Public Safety may use the LiveSafe program, which includes emails and text messages for all student phone numbers registered and for those staff and faculty who have opted to receive text messages, or emails via the College email listservs. The announcement may also post it on its website [swarthmore.edu/public-safety/public-timely-warning](http://swarthmore.edu/public-safety/public-timely-warning), as well as post notices on bulletin boards or doors throughout campus.

Anyone with information about a serious crime or incident should report the circumstances to the Department of Public Safety by phone at (610-328-8333) or in person at the Benjamin West House. If a report is made to other college administrators, those administrators will immediately notify the Department of Public Safety.



**Ben West House/Visitor Center**

## **Emergency Response and Evacuation Procedures**

### **Emergency Response Policy**

In the event of a campus emergency, Swarthmore College follows guidelines set forth in its Crisis Communications Plan, which is an all hazards approach that also aligns with ICS (Incident Command System). The Department of Public Safety is typically the initial responder for emergencies on campus, with primary responsibility for assessing the nature, size, scope and activation of the 24/7 Team. Individuals may use a variety of notification methods to alert public safety to an emergency, such as phone, email, or in person. The overarching thrust of this plan is to enable various College administrators to promptly and effectively alert and inform the community and the public when there is a clear and credible danger to the College community, without delay. On an annual basis the College notifies the Swarthmore Borough Police of their requirement to also communicate any incident that takes place in the borough that may warrant an emergency response. The plan coincides with the College's other safety and emergency plans that deal specifically with the operational implications of a crisis.

### **Drills, Exercises and Training**

Evacuation procedures and related emergency information are detailed in the College's Emergency Response Guide that can be found online at [www.swarthmore.edu/public-safety/emergency-response-guide](http://www.swarthmore.edu/public-safety/emergency-response-guide). A standing College committee meets regularly, and among a variety of related tasks, reviews emergency response procedures and trains key staff in effective communications skills and protocols. This committee also assures that annual training exercises are conducted that both test and train community members in emergency response and evacuation procedures. Often these exercises are planned and executed with the assistance of an independent emergency response and safety consultant. Drills are designed to be as realistic as possible and involve a variety of constituents from the College and outside emergency responders. Publication of the College's procedures associated with these exercises may be obtained by contacting the Director of Public Safety and will be made in conjunction with notifications in advance of drills and exercises. At least one unannounced fire evacuation drill is held annually in academic buildings in addition to bi-annual drills in all residence halls. The test of the College emergency response/evacuation procedures is announced ahead of time, documented (including a brief description of the exercise, date, and time), and an after action report is made for each as is required. Emergency response drills have been announced and fire evacuation drills are unannounced.



## **Emergency Notification**

### **Confirming the Existence of a Significant Emergency or Dangerous Situation and Initiating the Emergency Notification System**

The Department of Public Safety is responsible for responding to all significant incidents that may involve an immediate or ongoing threat to the health and/or safety of the greater college community. It is also tasked with promptly summoning the appropriate resources to mitigate and investigate such incidents. Once an incident is reported, either on its own or with the input from these external agencies, (Swarthmore Police Department, Swarthmore Fire Department, Delaware County Emergency Management) the Department of Public Safety will determine if the situation does in fact pose a threat to the community. Should that be the case, federal law requires that the College immediately notify the campus community or the appropriate segments of the community that may be affected by the situation. The College communicates and works closely with local police, regularly requesting their cooperation in informing the College about reported situations that may warrant an emergency response. Based on nature of information and facts available, the Director of Public Safety (or designee) will generate the notifications and whenever possible, share with the 24/7 Team (comprised of the Vice President for Finance and Administration, the Vice President for Facilities, the Vice President for Human Resources, the V.P. for Student Affairs, the Director of Public Safety, the Vice President for Communications, and the Executive Assistant for Facilities, or their designees). Members of 24/7 take the initial lead in implementing the appropriate response plan, assessing the severity of the crisis, reviewing all available information, delegating responsibility where appropriate, and ensuring that the information needs of various constituencies are met.

### **Determining the Contents of the Emergency Notification**

The Department of Public Safety, in the course of responding to an event, will gather and share with the community the necessary and pertinent information about incidents on campus that present an ongoing risk. The content of virtually every communication which notifies the College community of an emergency will include the specific nature and location of the event, actions being taken by the College, status of those involved (when known), actions one should take to help assure their own safety, and directions regarding where to find updates and additional information (as in “check email for further details” or “For more information: <http://emergency.swarthmore.edu>”). The Director of Public Safety (or designee) will use existing templates or draft notifications as necessary based upon the circumstances. Wherever possible and with time permitting, messages will be reviewed by the 24/7 team or others as appropriate (Such as the V.P. of Communications, V.P. of Finance, V.P. for Student Affairs, etc.) The Executive Assistant to the V.P. of Facilities and the Department of Public Safety maintains a written record of actions and decisions for after-action assessment and archival purposes.

### **Determining the Appropriate Segment or Segments of the Campus Community to Receive an Emergency Notification**

Swarthmore College Department of Public Safety, the 24/7 Team and/or local first responders on the scene of a critical incident or dangerous situation will assist those preparing the emergency notification with determining what segment or segments of the College community should receive the notification. Generally, campus community members in the immediate area of the dangerous situation (i.e. the building, adjacent buildings, or surrounding area) will receive the emergency notification first. The College may issue subsequent notifications to a wider group of community members. In addition to the emergency notification that may

be issued via the LiveSafe notification system, the College will also post applicable messages about the dangerous condition on the College website to ensure the rest of the campus is aware of the situation and the steps they should take to maintain personal and campus safety. If the emergency affects a significant portion of the entire campus, College officials will distribute the notification to the entire campus community.

### **Procedures Used to Notify the Campus Community**

Swarthmore College is committed to providing a safe environment for everyone on campus. The GARNET Safety System ensures that students, faculty, staff, and visitors receive timely information in the event of an emergency on campus. When an emergency or community safety threat is reported either, in person, via phone or on-line report form, the on duty Public Safety supervisor will be advised and make an immediate notification to the community if there is an active threat and/or initiate the 24/7 Team, who will then coordinate with the Operations or Emergency Management Teams to determine appropriate steps and community notification. The system is a combination of notification tools, such as text, emails, and a public address system, which are outlined below.

In order to assure that the larger campus community is promptly notified of a significant emergency or dangerous situation involving an immediate threat to the health and safety of students or staff, one or more of the following tools are used:

- LiveSafe - is an externally hosted service and can be used to notify students, faculty, staff and other groups en masse. Message delivery formats include cell phones, text messaging, e-mail, and text-telephone devices to contact persons with hearing or speech disabilities. Messages are normally initiated through a Web interface. This system is tested once every semester.
- InformaCast - is used to send out verbal communications over telephones in over 300 classrooms and residence halls. The system is used in administrative and residential hall spaces and can be sent as a broad message or focused for a specific building.
- Email - this alert function should be considered as no more than a supplement to all other alerting tools.
- Timely Warning Notices – issued through the Department of Public Safety and the Communications office, which, once aware of an immediate danger, decide on when and how to notify proper authorities and initiate communication required to safeguard the campus, including the use of any of the available alert mechanisms.
- Word of mouth – with nearly 90 percent of our student body living on campus and a manageable campus size, runners would be deployed door-to-door and/or to designated spaces on campus to post flyers and to spread the word directly.
- Fire alarms - alert people to an emergency and exist in every campus building. They work at all times of day, throughout the year, and can be building-specific.
- Emergency Hotline – dialing the emergency hotline will provide a recorded message that will be updated during an event.
- Website – the website is perhaps the best tool for keeping all of the College’s constituencies informed about a crisis in a detailed, ongoing, focused way. An emergency notice may be added to the top of the College’s homepage and/or every page on the swarthmore.edu domain

## Enrolling in the College's Emergency Notification System

All members of the College community are reminded that, for the emergency notification system to be effective, contact information in the College's databases should be up to date. To update emergency contact information, first login to "MySwarthmore" at <https://myswat.swarthmore.edu/homepage.htm>, then select the link to "Update Crisis Communications (LiveSafe) Contact Information" from the "Personal Information Main Menu" item. At least twice a year you will be prompted to update your information when you log on to "MySwarthmore."

These communications tools are implemented with the understanding that they are best used in combination with each other. The type of emergency or crisis ultimately drives which tools are used. The College will, without delay, and considering the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate an emergency.

## Procedures Used to Notify the Larger Campus Community

Swarthmore College is also committed to providing a safe environment for everyone in the larger campus community. In the event of an emergency or significant safety concern that would impact members of the larger Swarthmore community, information would be shared via email and the website to alumni and families. Swarthmore Borough Police would also be contacted and notification would be made via the Delaware County emergency notification system, EverBridge. Individuals may sign up through Delaware County. For more information contact Swarthmore Borough Police Department.



Silent Disco Party on Parish Beach, Fall 2020.

## **Campus Security Policies, Crime Prevention, and Safety Awareness Programs**

Swarthmore College is committed to providing a safe environment for everyone on campus. The GARNET (General Alert and Response Network) is a combination of notification tools, such as text, emails, and a public address system. Additionally, the program includes other services, such as the Garnet shuttle, blue light phones and safety presentations. The GARNET Safety System also offers community members two Smart phone apps as a resource. Transloc, which allows students to download an app that will provide the shuttle location and arrival time to the next stop. LiveSafe provides a direct notification to Public Safety in the event of an emergency.

The Department of Public Safety operates under the philosophy that it is preferable to prevent crime from occurring than to react to it after the fact. The principal instrument for accomplishing this goal is the College's Crime Prevention and Awareness programming. It is based upon the dual concepts of eliminating or minimizing criminal opportunities whenever possible and educating community members to be responsible for their own security and the security of others. The following is a listing of the Crime Prevention and Awareness programs and projects employed by Swarthmore College:

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 holistic academic potential of students and professional potential of employees may be realized. In order to create and maintain such an inclusive climate, all who work and learn at the College are partners in the work of ensuring that the community is free from discrimination based on sex or gender, including sexual harassment, sexual assault, and other forms of sexual misconduct. These behaviors threaten our learning, living, and work environments and will not be tolerated.

In general, sexual misconduct is the broad term used to refer to all of the prohibited behaviors under this policy. Some of these prohibited forms of conduct may also be crimes under Pennsylvania law. Title IX of the Education Amendments of 1972 ("Title IX") 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, and other forms of sexual misconduct, including stalking and intimate partner violence.

### **Crime Prevention and Awareness Programming**

- Swarthmore LiveSafe: A free smartphone app that Swarthmore College community members can download. When activated, the device contacts the Department of Public Safety and provides audio, video and a GPS location of the incident.
- Swarthmore College Garnet Shuttle Bus: A radio-equipped van transports students free of charge in and around the main campus during the evening and early morning hours, approximately 5:00 p.m. - 2:00 a.m., during the academic year. This van is also equipped with Transloc, which allows students to download an app that will let them know the van location and estimated time of arrival to the next stop.

- Tri-College Shuttle Bus: Free transportation is provided to students traveling between Haverford, Bryn Mawr, and Swarthmore Colleges. This service is available from approximately 7:00 a.m. to 2:00 a.m. during the academic year.
- Escort Service: Officers escort students, faculty or staff after dark, upon request. These escorts increase the Department of Public Safety's awareness of community concerns and may influence the level of patrols along key walkways on campus. All community members are encouraged to report suspicious strangers or incidents.
- Swat Team: A team of well-trained students responsible for the safety monitoring and management of registered campus parties. Swat Team staff are trained in responsible alcohol service, bystander intervention, sexual assault prevention and event management. SWAT Team members collaborate with the party host, Public Safety, and the Office of Student Engagement to provide safe party spaces.
- Crime Prevention Publicity: Fire and Crime Prevention training is conducted with RAs during orientation, Fire Prevention Week, and is available to other student groups on request.
- Electronic Alarm Systems: A proprietary electronic alarm system monitors a network of intrusion detection and duress alarm systems.
- Security Surveys: Comprehensive security surveys are available upon request.

Operation Identification: This community venture into property identification works to deter thefts and assist in the recovery of stolen items and is available upon requests. Any community member wishing to have electronic equipment, bicycles or other valuable items registered and engraved/decided may contact the Department of Public Safety to set up an appointment.

### **Safety Awareness/Education Programming**

- National Campus Safety Awareness Month (NCSAM): Swarthmore College supports and participates in NCSAM with a variety of programming. The programs topics include, drug and alcohol; domestic abuse; healthy relationships. This program matches individual Public Safety Officers to each residence hall.
- Public Safety Open House: Once a semester the Department of Public Safety organizes an open house and invites both on- and off-campus presenters to provide information and resources on topics such as sexual assault, stalking and intimate partner violence, which includes domestic violence and dating violence.
- Employees are offered safety education and informed of reporting requirements upon hire during their initial orientation to Swarthmore College. Ongoing education is offered annually both in live sessions and online education. In 2019, Title IX and Clery training were offered during the annual Faculty/Staff Development Workshop Series. Every three years employees are required to complete online harassment education.
- Drug and Alcohol Awareness and Education: The Alcohol and Other Drug Counselor and Educator works collaboratively on campus to provide holistic education and supportive resources around substance use and its effects. Programs include introductory information at New Student Orientation, weekly recovery meetings, confidential support and training for student groups like the Residential Assistants and the Swat Team.



- **RAD Training:** The Rape Aggression Defense System is a program of realistic, self-defense tactics and techniques. The RAD System is a comprehensive course designed for women and men that begins with awareness, prevention, risk reduction and avoidance, while progressing onto the basics of hands-on defense training. RAD is not a Martial Arts program. This course is open to all Swarthmore College students, staff or faculty. A Certified RAD Instructor leads these programs. These courses are offered at least once a semester.
- **Prevention and Education for Domestic and Dating Violence, Sexual Assault and Stalking.**

## **Annual Prevention and Education for Domestic and Dating Violence, Sexual Assault and Stalking**

### **Sexual Misconduct Prevention Education (Including Prevention of Sexual Assault, Sexual Harassment, Dating Violence, Domestic Violence, and Stalking)**

Swarthmore College takes a comprehensive and holistic approach to the prevention of sexual assault, domestic and dating violence, stalking and other forms of sexual misconduct (as described in detail in the Prohibited Conduct section of the Title IX and College-Defined Sexual Misconduct Policy) for all students, faculty, and staff. Prevention and education 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, resources, and reporting options. These prevention and education programs specifically include reference to the College's inclusion of dating violence, domestic violence, sexual assault, and stalking as prohibited behavior under the Title IX and College-Defined Sexual Misconduct Policy.

New Swarthmore students (first year students and transfer students) take EverFi's Sexual Assault Prevention and Alcohol EDU online courses before they come to campus. These courses, about substance abuse, sexual assault, domestic and dating violence, stalking and other forms of sexual misconduct, introduce relevant campus policies, state laws, bystander intervention, risk reduction, consent definitions, and healthy relationships education. The course also includes College name and contact information for reporting incidents, including the Title IX Coordinator and Public Safety.

In addition to the online course, new Swarthmore students also participate in an interactive 2 1/2-hour sexual violence prevention/healthy relationships education program. The program is presented by Swarthmore's violence prevention educator and advocate and followed up with small group conversations facilitated by peer leaders. The presentation includes information on campus policies, state laws, bystander intervention, consent, healthy relationships, and risk reduction. Another presentation by professional staff about alcohol and other drugs also offers additional information on risk reduction.

All new faculty and staff take an online course on harassment prevention offered by United Educators Edu Risk Learning Portal. This course explores various facets of workplace harassment prevention through multiple scenarios and clear explanations. Sexual assault, harassment, dating violence, domestic violence, and stalking are also covered in the course and they have customized the course to include links to the College's Sexual Assault and Harassment Policy and the Non-Discrimination Policy. The course also includes College name and contact information for reporting incidents, including the Title IX Coordinator and Public Safety.



Throughout the year, the Title IX Office sponsors ongoing and culturally relevant education and awareness programs for students, faculty, and staff, including additional training for staff providing intervention, adjudication, or support for anyone impacted by sexual violence, inclusive of dating violence, domestic violence, and stalking. The events are provided by the Title IX House in collaboration with other campus partners and trained student volunteers, and has included panels with community leaders, group dialogue on intentional peer support, a trauma-informed writing workshop series, and a peer education training certification with a national consent education organization.

### **Programming includes**

- basic awareness events (to help the community understand the College's policies and procedures; relevant definitions, including prohibited conduct; and the dynamics involved with sexual assault, dating or domestic violence, stalking and other forms of sexual misconduct)
- healthy relationships education (including effective consent training, comprehensive sexuality education, communication and relationship skill building)
- bystander intervention (including safe and positive options such as the 4 D's of bystander intervention: direct, distract, delegate, delay, as well as specific training on safe party hosting and group dialogues/community conversations offered through the Red Flag campaign)
- risk-reduction training (including training on safe drinking, alcohol awareness, Rape Aggression Defense courses, and general safety tips)
- culture change programs (including bystander intervention campaigns and skill building, and restorative/transformational justice initiatives)
- support for all impacted by sexual violence (including support and referral resources for survivors of sexual assault, dating or domestic violence, stalking and other forms of sexual misconduct, and other members of the community impacted, including friends and community members). The Title IX Office also offers ongoing training to all faculty and staff on campus policies, bystander intervention initiatives and opportunities for faculty engagement in community conversations, risk reduction, reporting protocol for responsible employees, and resources available on and off campus. Additional events and programs are listed on the proceeding charts.
- In FY-2020-2021 there are several programs planned in a virtual manner and related to the pandemic (such as navigating unhealthy relationships at home and establishing safe space online)

**Director Hill assisting with  
DPS Sponsored RAD  
program instruction.**



## Sexual Violence Prevention & Healthy Relationships Education

*These educational activities are designed to promote safety, healthy relationships, and to educate the community about recognizing and preventing sexual violence.*

<ul style="list-style-type: none"> <li>● Feed me Friday Events - focus on different areas such as trauma effects on the brain, party culture, supporting a friend, domestic violence and college relationships</li> <li>● First year orientation: sexuality, sexual violence and Title IX</li> <li>● Online training for all new students followed by an orientation presentation and small group discussion</li> <li>● Trail to wellness</li> <li>● Sexplanations Educational Series: Healthy Relationships, Circles of Sexuality, Relationship with Self, Thank You, Next (How to End Relationships That No Longer Serve Us)</li> <li>● Sex Toy Bingo</li> <li>● Men and Intimate Partner Violence</li> <li>● Sex Ed – Office Hours</li> </ul>	<ul style="list-style-type: none"> <li>● Annual training for international students and semester training for students studying abroad</li> <li>● Annual campus-wide email notification of Sexual Assault and Harassment Policy, including definitions of sexual harassment, sexual assault, domestic violence, dating violence, stalking, consent, resources, and reporting options</li> <li>● Men and Masculinity events</li> <li>● Ongoing survivor support groups and restorative care workshops provided throughout the year</li> <li>● Bystander intervention training through the Title IX Office's Red Flag Campaign, promoting campus awareness, student-led trainings, and facilitated group dialogues.</li> <li>● Domestic Violence Awareness Month events</li> <li>● Mindfulness &amp; Sexuality Workshop</li> </ul>	<ul style="list-style-type: none"> <li>● SAVE (Survivor Advocacy Anti-Violence Education) and RAD (Rape Aggression Defense) trainings offered each semester</li> <li>● Ongoing policy and practice discussions with Student Title IX Leaders (STIX)</li> <li>● Campus distribution of resource materials outlining resources and reporting options, including developed Title IX <i>How We Can Help</i> brochure</li> <li>● SHARE Resource: <i>It's On Us</i> video featuring Swarthmore students and administration</li> <li>● Sexual Assault Awareness Month activities</li> <li>● Coming Full Circle: Sex, Rel' ships &amp; Consent</li> <li>● <b>Title IX Programming:</b> <ul style="list-style-type: none"> <li>- Trauma Informed writing workshop</li> <li>- Peer-support panel &amp; discussion</li> <li>- Safe BAE Peer Educator Certification</li> <li>- STIX Leaders: Supporting a Friend 101 and new Relationships 101</li> <li>- "How to Make a Report" training (Athletics, RAs, Safety Staff, Deans division, and 2021 Faculty Training)</li> </ul> </li> </ul>
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### Policy, Resources, and Ongoing Training for Employees

### Ongoing Education for Title IX Team & Related Staff

*These trainings provide all faculty and staff with information about campus policies, resources, and reporting requirements.*

*Ongoing professional development for staff who assist with responding to, investigating, or adjudicating reports and complaints related to Title IX and College Defined Sexual Misconduct*

<ul style="list-style-type: none"> <li>● Online training for all new employees, provided by United Educators Edu Risk Learning Portal on harassment, sexual violence, and resources. Existing employees required to retake program every 3 years</li> <li>● New employee orientation offered several times throughout the year</li> <li>● Annual New faculty training</li> <li>● Annual New faculty chairs meeting</li> <li>● New faculty lunch meeting, to follow up on campus resources, support, and reporting obligations</li> <li>● Annual Training for Dean's Division staff on Policy, response, and student support protocols</li> <li>● Annual Training for all CSA and responsible employee student employees on Policy, resources, and reporting obligations</li> <li>● Title IX Info Sessions for academic departments on Title IX policies, requirements and responsibilities</li> </ul>	<ul style="list-style-type: none"> <li>● Annual Training for investigators, case managers, adjudicators through the SUNY Student Conduct Institute</li> <li>● Webinars on the Protection of Victims of Sexual Violence or Intimidation Act, interpersonal violence prevention online, how to talk with parents about child sexual abuse, Title IX investigations, and college travel and Title IX, Clery Act, and VAWA compliance</li> <li>● Ongoing Training at national conferences, including ACPA, NASPA, New York State Sexual Violence Conference and ATIXA/SCOPE Conference on sexual violence response and prevention</li> <li>● Ongoing review of Policy and procedures</li> <li>● Annual Training for confidential resources including health center, religious advisors, counseling and psychological resources, including health services staff</li> </ul>
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## Missing Person Notification Policy and Procedures

It is the policy of the Swarthmore College Department of Public Safety to thoroughly investigate all reports of missing persons. Additionally, the College holds that every person reported missing will be considered at risk until significant information to the contrary is confirmed. All reports of missing persons must immediately be directed to the Department of Public Safety by calling extension 8281 (Off Campus: 610-328-8281) or made in person at the Benjamin West House on campus. Reports of missing students received by other College departments are to be promptly forwarded to the Department of Public Safety and/or Swarthmore Police Department. It is the policy of this department to support and assist missing person investigations originating outside our jurisdiction. It should also be noted that there is no required waiting period for reporting a missing person. A person may be declared “missing” when his, her, or their whereabouts are unknown and unexplainable for a period of time, typically 24 hours or sooner, especially if it is regarded by knowledgeable persons as highly unusual or suspicious in consideration of the subject’s behavior patterns, plans, or routines.

The purpose of this policy is to establish procedures to be followed if a missing person complaint is made to the Department of Public Safety office. If a complaint is made to this office, Public Safety staff will follow the steps listed below:

- Person receiving the complaint will immediately dispatch a Public Safety officer to the location of the complaint. In addition, make appropriate notification to the V.P. for Student Affairs (or their designee) and the V.P. for Finance and Administration.
- The responding officer will gather all essential information about the person (description, clothes last worn, where subject might be, with whom they might be, vehicle description, etc.), and every effort will be made to make contact directly with the student or their designated confidential contact(s).
- A current photograph may also be obtained to aid in the search.
- The responding officer will also gather information about the physical and mental wellbeing of the individual.
- Appropriate campus staff will be notified to aid in the search for the individual. A quick but thorough search will be conducted in all campus buildings, grounds, and parking lots.
- Class schedules will be obtained and a search of appropriate classrooms will be conducted.
- The V.P. for Student Affairs (or designee) is responsible for communicating with the identified confidential contact and the family or relatives of the missing person.

If the above actions are unsuccessful in locating the person or it is apparent from the beginning that the person is actually missing (i.e. call from parents, guardians), the investigation will be turned over to the appropriate local law enforcement agency. This will take place as soon as practical but never later than 24 hours from the initial report. At this time, the local law enforcement agency becomes the authority in charge and the Department of Public Safety will assist them in any way necessary.

In accordance with the Higher Education Act of 2008, all students may register a confidential contact with the College. Access to this information is restricted to authorized campus officials and law enforcement

officers actively involved in the furtherance of a missing person investigation. The confidential contact does not have to be a parent of a student. This is the individual who will be contacted by the V.P for Student Affairs (or designee), Public Safety, or another police department within 24 hours of the determination that the student is reported missing. This individual will also be updated as to the progress of the investigation. In the event a student is under 18 years of age, and has not been legally emancipated, the student's parents or guardian will also be contacted within 24 hours of the determination that the student is reported missing. Please note that the local police department will be notified even if a student has not registered a confidential contact. Students are encouraged to register an individual as a confidential contact and may do so by logging into MySwarthmore, <https://sid.swarthmore.edu/idp/profile/cas/login?execution=e4s1> on the College website.

## **Daily Crime and Fire Safety Log**

The Department of Public Safety maintains a Daily Crime and Fire Safety log in accordance with state and federal laws. The log is available for public inspection during normal business hours and, in the order received, includes the nature, date, time and general location of each crime, as well as fire safety incidents reported to the Department of Public Safety. The disposition of the event is included when and if reasonably available. The names of victims are excluded, and where the investigation of a crime, safety of an individual may be compromised, or when information might directly or indirectly identify a victim, the department may temporarily withhold information. Generally, all incidents are included in the log within two business days from when they are reported.

## **Disclosure to Victims of Crimes of Violence**

The College will, upon written request, disclose to the alleged victim of a crime of violence (as that term is defined in Section 16 of Title 18, United States code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim.

*Proceeding* means all activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact-finding investigations, formal or informal meetings, and hearings.

*Proceeding* does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.

*Result* means any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanctions imposed by the institution.

## **Drug-Free Schools and Communities Act and Drug and Alcohol Abuse Prevention Program (DAAPP)**

### **Alcohol and Other Drugs Policies**

The unlawful possession, use, purchase, or distribution of alcohol on College property or as part of any College activity is prohibited and subject to College sanctions as well as local, state and federal penalties. 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 and subject to College sanctions as well as local, state and federal penalties.

### **Philosophy**

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 consume 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**

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.

A variety of resources exist for drug or alcohol counseling, treatment, or rehabilitation programs. For detailed information concerning these College and/or community resources, staff and faculty should contact the offices listed below or contact their supervisor.

### **Faculty**

- Provost's Office: 610-328-8319

### **Staff**

- Human Resources: 610-328-8398
- Employee Assistance Program (for faculty and staff only): 800-437-0911

### **Students**

- Dean's Office: 610-328-8365
- Worth Health Center: 610-328-8058
- Counseling and Psychological Services: 610-328-8059

### **Community Resources**

- Alcohol & Drug Referral Hotline: 800-Alcohol (800-252-6465)
- Alcoholics Anonymous Central Office: 215-923-7900
- Cocaine Anonymous: 866-777-0983 ([www.ca.org](http://www.ca.org))
- Crozer-Chester Medical Center: 610-497-7200
- Narcotics Anonymous: 610-534-9510

The College's Alcohol and Other Drug Counselor and Educator and Human Resources provides mandatory training to educate students and employees about the ramifications of drug and alcohol use and to help students and employees 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 the Alcohol and Other Drugs Counselor and Educator and/or other Student Health and Wellness Center personnel, Counseling & Psychological Services (CAPS) counselors, dean's division staff, and/or residential community coordinator (RCCs). These professionals can help review the situation and make referrals to outside agencies or inside resources that respond to alcohol and drug abuse.

Drug and alcohol problems are treatable. Most often, an individual responds to tailored treatments that assist in cessation and relapse prevention. Treatments should acknowledge the medical, psychological, interpersonal, and societal aspects of an individual and their families. Accordingly, evidenced-based treatments have been established since the 1970's and have been infused into the following treatment settings:

- **Outpatient Counseling:** Typically offer 1-2 hours of support per week through a licensed mental health clinician;
- **Intensive Outpatient Counseling:** Typically requires 9 hours of support per week over 3 or more days;



- **Inpatient Care:** Typically, residential treatment offering biomedical, psychiatric, and clinical care along with psycho-educational components;
- **Detox Services:** Provide medication-based support for physiological dependence (i.e., Benzodiazepines and alcohol withdrawal) and typically require inpatient admission for 4 days;
- **Medication Assisted Treatment:** May require daily program attendance for medication, or may allow for 1 medication check-up per month. Typically used for detox or maintenance for physiological dependence (i.e., Opioid dependence); and/or
- **Peer Support:** Typically offer recommendations through group meetings and may provide daily or weekly offerings based on location (i.e., 12-step meetings, SMART recovery, etc.).

## 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 bloodstream 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 (i.e., two central nervous systems depressants; alcohol and benzodiazepines, alcohol and opioids, etc.)

## Additional Resources

Please see the proceeding pages with charts outlining the most common street drugs with their slang names and descriptions, a street drugs dictionary, and the most commonly abused prescription medicines. Links provided here provide additional guidance from the US Government, and provide source reference for the charts. The last pictograph shows what a possible plan for comprehensive treatment looks like.













National Institute on Drug Abuse: <https://www.drugabuse.gov/sites/default/files/cadchart.pdf> for more information on drug abuse and treatment options.

Sober College School of Addiction Studies page on most addictive pills: <https://sobercollege.com/addiction-blog/most-addictive-prescriptions-drugs/>.











Prevention and Treatment Resource Press: <https://www.ptrpress.com/product/street-smart-dictionary-poster/> for various printable materials covering alcohol and other drug abuse.

Event Medicine Group: <https://www.eventmedicinegroup.org/> for resources.

## STREET DRUG NAMES 1

HEROIN	OXYCODONE	COUGH MEDICINE	INHALANTS	PCP	RITALIN
(and variants)	512s Blue Hillbilly Heroin Kickers Killers O OC Ox Oxy Oxy 80s OxyContin Oxycotton	Dextromethorphan CCC Dex Dexies Drank Drex Orange crush Poor man's ecstasy Poor man's PCP Purple drank	Air Blast Bold Discorama Dusters Glad Gluey Hippie crack Huff Laughing gas Moon gas Nitrous Oz Poor man's pot Poppers Rush Snappers Whippets Whiteout	Phencyclidine Angel Dust Boat Embalming fluid Hog Love boat Ozone Peace Pill	Diet coke Kibbles and bits Kiddie cocaine Kiddie coke Pineapple Poor man's cocaine R-ball Rids Rit Skippy Skittles Smarties Vitamin R
B Big H Black Black Tar Boy Brown Brown sugar China white Chiva Dope Dragon Fix H Hell dust Horse Junk Mexican brown Mud Negra Nod Scag Skag Skunk Smack Speed-balling Stuff Tar Thunder White horse					
	MESCALINE	BENZODIAZEPINES	ADDERALL	ECSTASY (MDMA)	VICODIN
	Buttons Cactus Mesc Peyote	Including Xanax, Valium, Ativan, and Klonopin Bars Benzos Bicycle parts Blue footballs Blue V Bricks Candy Downers Handlebars Planks Roofies Rooftop Rope Rophies School bus	Sleeping pills Tranks Upjohn White boys White girls Xanbars Xannies Yellow boys Zanbars Z-Bars	Adam Beans Candy Clarity Dancing shoes Disco biscuit E Eve Happy pill Hug Love drug	357s Fluff Hydros Idiot pills Lorris Norco Scratch Tabs Vicos Vics Vikes Watsons
					
	STERIODS			KETAMINE	
	Arnolds Gym candy Juice Pumpers Roids Stackers Weight gainers			Cat Valium Green K Honey oil Jet K Ket Kit Kat	
					

## STREET DRUG NAMES 2

AMPHETAMINES	COCAINE	BARBITURATES	MANDRAX	CANNABINOIDS
357 magnums Amp Batu bennies Bikers' coffee Black beauties Black hollies Chalk Chicken feed Crank Crissy Cristy Crunk Crystal Crystal meth Fire Glass Go Go fast	Includes Crack Cocaine "Rocks" Bananas Base Bernice Big C Blow Bump C Candy Charlie Coca Coke Crack Dust Flake Freebase Golf balls Line Nose candy Rock Sneeze Sniff Snow Soda cot Toot White Yayo	Barbs Block busters Christmas trees Goof balls Phennies Pinks Red birds Red devils Reds and blues Reds Tooies Yellow jackets Yellows	Methaqualone Bottle neck Buttons Doodies Flowers Gholfsticks Lizards Ludes Mandies Mandrakes MX Press outs Quaalude Soaps Sopers White Pipe Whites Witwyf	Includes synthetics Acapulco gold Black mamba Black Russian Blaze Bliss Blunt Bombay blue Bud Cannabis Chronic Dagga Dope Ganja Genie Grass Green Hash Hashish Hemp Herb
				
BATH SALTS		GHB	PETHIDINE	MUSHROOMS
Synthetic Cathinones Bliss Bloom Blue silk Cloud 9 Drone Energy-1 Flakka Ivory wave		Gamma-hydroxybutyrate G Georgia home boy Goop Grievous bodily harm Liquid ecstasy	Demerol Demmies Dolantin Mapergan Meperidine	Blue meanies Boomers Buttons Caps Cubes Liberties
				
Lunar wave Meow meow Pure ivory Scarface Stardust Vanilla sky White lightning Wicked X		Lysergic Acid Diethylamide Acid Battery acid Blotter Blue heaven California Sunshine Cid Cubes Doses Dots		Liberty caps Magic mushrooms Magics Mushies Purple passion Shrooms
				

More FREE resources at [eventmedicinegroup.org](http://eventmedicinegroup.org)



# STREET SMART DRUG DICTIONARY

## Stimulants

**Cocaine:** Crack, Big C, Kryptonite, Monster, Coke, Blow, Rock, Snow, Sniff, Sneeze, White, Nose Candy, Line, Dust, Flake

**Abuse:** Doing Lines, Snorting Blow, Skiing, Rails, Powder Your Nose

**Methamphetamine:** Crystal, Meth, Cristy, Tina, Crank, Tweak, Glass, Ice, Shards, Go, Whizz, Chalk

**Abuse:** Amped, Amped-Out, Amped Up, Coked Up, Geeked, Jacked – Jacked Up, Skied, Spun, Tweak, Wired, Yippered Up

**Mdma:** Ecstasy, X, Xtc, The Love Drug, Adam, Bean, Doctor, Mercedes, Molly, Peace, White Dove

**Abuse:** Blow Up, Candy Flip, Flipping, E-Puddle, Faced Out, Roll, Thizz, Wig, Drop

**Ritalin:** Johnny, R-Ball, Ritz Ants, Set, Skippy, Kibbles N Bits, Diet Coke, Kiddy Coke, Skittles, R Pop, Study Buddies, Pineapple, Jif, Uppers, Rids, Smarties, Smart Drug, Vitamin, R-Ball

**Adderall:** Addys, Uppers, Beans, Black Beauties, Pep Pills, Zing, Study Buddies, Smart Pills, Bennies, Ralls, A-Bombs

**Abuse (Adderall/Ritalin):** Twacked, Wired, Smartin Up, Geeking, Speeding, Spun

## Narcotics

**Heroin:** H, Smack, Dope, Horse, Skag, Junk, Black Tar, Big H, Brown Sugar, Mud, Dragon, Boy, Mexican Brown, Thunder, Skunk, Scag, Snowball

**Abuse:** Chasing The Dragon, Dip And Dab, Do Up, Give Wings, Jolly Pop, Paper Boy, Boot, Cook Up

## Marijuana

**Street Names:** Weed, Pot, Green, Bud, Grass, Dope, Hash, Lettuce, Reefer, Herb, Mary Jane, Ganja, Hemp, Chronic, Kush, Purple Haze, Blaze

**Abuse:** Baked, Blazed, Blunted, Burned, Crunched, Crunk, Faded, Geeked, High, Keyed, Krunked, Lifted, Lit, Lit Up, Pot-Head, Ripped, Stoned, Zoned

## Depressants

**GHB:** Grievous Bodily Harm, Liquid X, Soap, Goop, Caps, Cherry Meth, Easy Lay, Fantasy, G, Georgia Home Boy

**Abuse:** G'd Out, sippin' G

**Rohypnol:** R2, Roche, Roofies, Rope, Wolfies, Forget-Me-Pills, Circles, La Rocha, Lunch Money Drug, Mexican Valium, Pingus, Reynolds

**Abuse:** Roached Out

## Hallucinogens

**Lsd:** Acid, Lucy In The Sky With Diamonds, Cid, Tabs, Doses, California Sunshine, Dots, Blotter, Gel Tabs

**Abuse:** Hits, Spun, Trip, Trippin, Drop Acid

**Ketamine:** K, Ket, Special K, Vitamin K, Green K, Super C, Super Acid, Jet, Purple, Kit Kat, Dorothy, Magik

**Abuse:** K-Hole, K-Land, Baby Food

**Pcp:** Angel Dust, Ozone, Rocket Fuel, Love Boat, Embalming Fluid, Hog, Superweed, Wack, Wet, Dippers

**Abuse:** Dusting, Getting Wet, Dipped

**Psilocybin / Psilocyn Mushrooms:**

Magic Mushrooms, Shrooms, Boomers, Caps, Mushies, Buttons, Magics, Blue Meanies, Liberty Caps, Cubes, Liberties

**Abuse:** Shroomed, Shrooming, Tripping

**Cough Syrup / Dxm:** Dexies, Drex, Robo, Rojo, Red Devils, Orange Crush, Tussin, Velvet, Triple C, Drank, Purple Drank Or Sizzurp

**Abuse:** Dexing, Robo-Tripping, Tussin,

## Synthetic Drugs

**Fake Marijuana:** Spice, K2, Bliss, Black Mamba, Yucatan Fire, Skunk, Genie, Bombay Blue, Solar Flare, Zohai, Joker, Kush, Kronik

**Abuse:** K2'D, Spicy, K2zombie, K2z, K2 Koma, Spiced, Spiced Out

**Fake Cocaine:** Bath Salts, Cloud 9, Vanilla Sky, White Lightning, Bloom, Scarface, Bliss, Drone, Meow Meow, Pure Ivory, Blue Silk, Stardust, Lunar Wave, Wicked X, Flakka, Scarface, Zombie Rocks

**Use:** Salting, Bath Salted, Bath Blow, Going Zombie



## Inhalants

**Street Names:** Huff, Poppers, Whippets, Nitrous, Laughing Gas, Moon Gas, Snappers, Bold, Rush, Air Blast, Glad, Hippie Crack, Oz, Disc-o-rama

**Abuse:** Huffing, Bagging, Glading



**KNOW THE SLANG.  
KNOW THE DRUG.**

	<div> <div>01</div> <div>OPIOIDS &amp; PAINKILLERS</div> </div> <div> Painkiller medications may be prescribed for injuries, pain management, life-long conditions or ailments, and are often used following surgery. </div>	
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RX NAME	VS	STREET NAMES
<b>CODEINE</b>		Lean, Purple Drank, Sizzurp, Cody
<b>OXYCODONE</b> OxyCotin, Percocet		OC, Oxycotton, Oxy, Perks, Roxy
<b>HYDROCODONE</b> Vicodin, Norco		Hydro, Narco, Vickies
<b>MORPHINE</b> Duramorph, MS Contin		Dreamer, M, Mister Blue, Morpho
<b>FENTANYL</b> Absral, Duragesic		Apache, China Girl, Jackpot, Goodfella
<b>METHADONE</b> Methadose, Dolophine		Junk, Chocolate Chip Cookies, Metho, Dollies

**02****DEPRESSANTS & SEDATIVES**

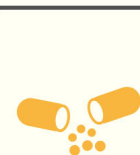
Depressants are popularly prescribed for anxiety and insomnia. These powerful medications lower the levels of awareness in the brain, causing feelings of relaxation and sedation. Sedatives may also be used to treat seizures or as an anesthesia.

**RX NAME****VS****STREET NAMES****BENZODIAZEPINES**

Valium, Xanax, Ativan

Benzos, Tranx, Bars,  
Stupefy, Valley Girl**BARBITURATES**

Luminal, Seconal, Sarisol

Downers, Barbs,  
Sleepers, Tootsies**03****STIMULANTS**

Stimulants are readily available through prescription for conditions such as ADHD to improve alertness, concentration, attention, and energy. These medications fall into the same category as other stimulants such as cocaine and methamphetamine.

**RX NAME****VS****STREET NAMES****AMPHETAMINES**

Adderall, Dexedrine

Hearts, Bennies,  
Uppers, Amps**METHYLPHENIDATE**

Ritalin, Concerta

Skittles, Smarties,  
Vitamin R, Diet Coke

## Components of Comprehensive Drug Addiction Treatment



*The best treatment programs provide a combination of therapies and other services to meet the needs of the individual patient.*



## Regulation of Alcohol at Swarthmore College

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 an 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 assist 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, reprimands, 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 manufacturing (including malt beverages/beer) and/or 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 student conduct process for review, adjudication, and referral when appropriate. If a student presents at Student Health and Wellness at the 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.

When addressing violations of the College’s Alcohol and Other Drugs policy, the health and safety of the College community is the central consideration of this process. The student conduct response to a violation of this policy considers many factors including: the nature of the violation, an individual or organization’s conduct history and/or time between previous AOD violation(s), and/or aggravating or mitigating factors (i.e., other misconduct, deception, completion of AOD treatment program, etc.). Typically, a first violation of the College’s alcohol and other drug policy related to an incident with alcohol or marijuana will result in a warning and referral to the alcohol and other drugs counselor (minimum penalty). A second violation usually results in probation and/or a requirement to attend an alcohol education program. Subsequent and/or server violations will typically result in suspension or expulsion.

Student organizations may also be subject to a restriction from hosting registered social events/parties for a period of time, restriction from recruitment of new members, restriction to access of College funds and/or use of facilities, suspended, and/or derecognized by the College.

In all situations, a student or organization may also be subject to penalties and/or fines imposed by outside authorities. College fines may be imposed for any violation to cover expenses related to repair or replacement of damaged items or for cleanup. Sanctions increase in severity with repeated offenses and/or major misconduct (i.e., production and/or distribution of a controlled substance, driving under the influence of alcohol or drugs, etc.).

### **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. Department of Public Safety Officers will exercise their powers as agents of the institution to enforce all applicable laws and College policies through proper documentation of incidents, referral of incidents to the dean's division for student conduct violations, and in some instances, contacting local law enforcement to assist in the enforcement of applicable laws through arrests.

### **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.

**Note for International Students:** Additional penalties and sanctions may apply for international students who are in the US on a visa. Pursuant to the Foreign Affairs Manual of the US Department of State ([9 FAM 403.11-3\(A\)](#)), a visa can be revoked when the international student "...is subject to a Watchlist Promote Hit for an arrest or conviction of driving under the influence, driving while intoxicated, or similar arrests/convictions (DUI) that occurred within the previous five years, pursuant to [9 FAM 403.11-5\(B\)\(c\)](#)."

### 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.

➤ **Drugs**—State penalties and sanctions for illegal possession, sale, or delivery of a controlled substance:

a. In the Commonwealth of Pennsylvania, 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.

**Note:** 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.

➤ **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.

**Note:** 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.

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 for additional information.



**DPS Shuttle Drivers stand with the Garnet Shuttles used for student transportation.**



U.S. Department of Justice  
Drug Enforcement Administration

## Federal Trafficking Penalties

Drug Schedule	Quantity	1st Offense	2nd Offense	Quantity	1st Offense	2nd Offense
Methamphetamine Schedule II	5 - 49 gms pure or 50-499 gms mixture	Not less than 5 yrs and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than \$2 million if an individual, \$5 million if other than an individual.	Not less than 10 yrs and not more than life. If death or serious injury, not less than life. Fine of not more than \$4 million if an individual, \$10 million if other than an individual.	50 gms or more pure or 500 gms or more mixture	Not less than 10 yrs and not more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than \$4 million if an individual, \$10 million if other than an individual.	Not less than 20 yrs and not more than life. If death or serious injury, not less than life. Fine of not more than \$8 million if an individual, \$20 million if other than an individual.
Heroin Schedule I	100-999 gms mixture			1 kg or more mixture		
Cocaine Schedule II	500-4,999 gms mixture			5 kgs or more mixture		
Cocaine Base Schedule II	5 - 49 gms mixture			50 gms or more mixture		
PCP Schedule II	10 - 99 gms pure or 100-999 gms mixture			100 gms or more pure or 1 kg or more mixture		
LSD Schedule I	1 - 9 gms mixture			10 gms or more mixture		
Fentanyl Schedule II	40-399 gms mixture			400 gms or more mixture		
Fentanyl Analogue Schedule I	10 - 99 gms mixture			100 gms or more mixture	2 or More Prior Offenses	
Others (Schedules I & II) <i>(includes 1 gm or more flunitrazepam)</i>	Any	Not more than 20 yrs. If death or serious injury, not less than 20 yrs, not more than life. Fine \$1 million individual, \$5 million not individual.	Not more than 30 yrs. If death or serious injury, life. Fine \$2 million individual, \$10 million not individual.		Life imprisonment	
1st Offense				2nd Offense		
Others Schedule III <i>(includes 30 mgs - 999 mgs flunitrazepam)</i>	Any	Not more than 5 yrs. Fine not more than \$250,000 individual, \$1 million not individual.		Not more than 10 yrs. Fine not more than \$500,000 individual, \$2 million not individual.		
Others* Schedule IV <i>(includes less than 30 mgs flunitrazepam)</i>	Any	Not more than 3 yrs. Fine not more than \$250,000 individual, \$1 million not individual.		Not more than 6 yrs. Fine not more than \$500,000 individual, \$2 million not individual.		
All Schedule V	Any	Not more than 1 yr. Fine not more than \$100,000 individual, \$250,000 not individual.		Not more than 2 yrs. Fine not more than \$200,000 individual, \$500,000 not individual.		

\* Although flunitrazepam is a Schedule IV controlled substance, quantities of 30 or more milligrams of flunitrazepam are subject to greater statutory maximum penalties than the above-referenced penalties for Schedule IV controlled substances. See 21 U.S.C. §841(b)(1)(C) and (D).





## Federal Trafficking Penalties - Marijuana\*

	Quantity	1st Offense	2nd Offense
<b>Marijuana</b>			
	1,000 kgs or more mixture; or 1,000 or more plants	<ul style="list-style-type: none"> <li>• Not less than 10 years, not more than life</li> <li>• If death or serious injury, not less than 20 years, not more than life</li> <li>• Fine not more than \$4 million individual, \$10 million other than individual</li> </ul>	<ul style="list-style-type: none"> <li>• Not less than 20 years, not more than life</li> <li>• If death or serious injury, then life</li> <li>• Fine not more than \$8 million individual, \$20 million other than individual</li> </ul>
<b>Marijuana</b>			
	100 kgs to 999 kgs mixture; or 100-999 plants	<ul style="list-style-type: none"> <li>• Not less than 5 years, not more than 40 years</li> <li>• If death or serious injury, not less than 20 years, not more than life</li> <li>• Fine not more than \$2 million individual, \$5 million other than individual</li> </ul>	<ul style="list-style-type: none"> <li>• Not less than 10 years, not more than life</li> <li>• If death or serious injury, then life</li> <li>• Fine not more than \$4 million individual, \$10 million other than individual</li> </ul>
<b>Marijuana</b>	50 to 99 kgs mixture	<ul style="list-style-type: none"> <li>• Not more than 20 years</li> <li>• If death or serious injury, not less than 20 years, not more than life</li> <li>• Fine \$1 million individual, \$5 million other than individual</li> </ul>	<ul style="list-style-type: none"> <li>• Not more than 30 years</li> <li>• If death or serious injury, then life</li> <li>• Fine \$2 million individual, \$10 million other than individual</li> </ul>
	50 to 99 plants		
	More than 10 kgs		
<b>Hashish</b>	More than 10 kgs		
<b>Hashish Oil</b>	More than 1 kg		
<b>Marijuana</b>			
	Less than 50 kgs mixture	<ul style="list-style-type: none"> <li>• Not more than 5 years</li> <li>• Fine not more than \$250,000, \$1 million other than individual</li> </ul>	<ul style="list-style-type: none"> <li>• Not more than 10 years</li> <li>• Fine \$500,000 individual, \$2 million other than individual</li> </ul>
	1 to 49 plants		
	10 kgs or less		
<b>Hashish</b>	10 kgs or less		
<b>Hashish Oil</b>	1 kg or less		

\*Includes Hashish and Hashish Oil

(Marijuana is a Schedule I Controlled Substance)

➤ **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 \$500, 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 \$1000, 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 \$1000, 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 \$500, 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 a minimum of \$1,000 for the first (1st) violation; for subsequent violations, the fine is a minimum of \$2,500; 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).

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 fine is up to \$500 for the first (1st) violation; for subsequent violations, the fine is up to \$1,000 and imprisonment for up to ninety (90) days for any violation.

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.

## Events and Parties

The College defines an event as an academic, intellectual, cultural, and/or social gathering, which is open to all or a registered group of, 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) or other funding sources and approved through the Office of Student Engagement at least two (2) weeks in advance of the event.

The College defines a party as a social function where alcohol may be served, regulated by the Alcohol Permit, in a designated campus party space and more than ten (10) students are present.

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 an individual and/or organization holds a party off-campus they may be subject to the student code of conduct and/or Pennsylvania state law.

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:**

- **All-College Events/Parties:** Individual students or student organizations may apply to Student Budget Committee (SBC) and/or Office of Student Engagement to obtain funds to assist in sponsoring an All-College event, to be held by those students or student organizations. SBC and the Office of Student Engagement meet weekly to review event proposals and allocate funding. There may not be a charge for All-College events/parties, and they must be open to all members of the student body. All Swarthmore students are permitted to host one (1) guest (including Tri-Co) but that is at the discretion of the hosts. All guests are required to provide either a Tri-Co or State issued ID. **Again, under no circumstances may any College funding be used to purchase alcoholic beverages.**
- **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 Timing

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 ten (10) people are present; beer is not served from a keg; and there is no disorder. Designated campus event/party locations are authorized by a member of the Office Student Engagement and/or 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, the first week of the Fall academic semester, vacation periods, reading days, final examination periods, or large-scale Admissions events (i.e., *SWATstruck*). The first available date to register an event/party with an Alcohol Permit is the first Saturday after classes begin each semester.

## 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 2:00AM 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 ten (10) people or more will attend; b) there is a keg; or c) the party will be held in a registered event/party location. This permit must indicate the name of two (2) responsible hosts, one of whom must be at least 21 years of age. Both hosts must have attended the College's Event/Party Host Training. Additionally, both hosts of the registered event/party **must** meet with the Office of Student Engagement and Public Safety to review and sign the Alcohol Permit by no later than 12:00PM on the Thursday of the week of the requested event/party.

Alcohol that is present at the party and not included on the Alcohol Permit will be removed and will result in a referral to the student conduct process. No Alcohol Permits will be issued during New Student Orientation, the first week of the Fall academic semester, vacation periods, reading days, final examination periods, or large-scale Admission Office events (i.e., *SWATstruck*). The first available date to register an event/party with an Alcohol Permit is the first Saturday after classes begin each semester.

## SwatTeam

A registered event/party, where alcohol is present, will 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 Office of Student Engagement and SwatTeam Managers, based upon the size and scale of the party.

SwatTeam members are required to be present and on the scene in order for a party to be held. Though SwatTeam is present, the hosts maintain responsibility for what occurs during their event. 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 by the Office of Student Engagement and SwatTeam Managers and trained by members of the Dean's Division and Public Safety. SwatTeam Managers will also attend and be a part of the Event/Party Host training sessions.

**SwatTeam duties include (and typically are completed in tandem with event/party host organization members):**

1. Door/ID-checking, wrist banding guests, and crowd control
2. Refusing entry to visibly intoxicated persons
3. Ensuring that party guidelines (event/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. Providing a safe walk for persons to their residences, at a student's request
9. Contacting public safety if they require assistance or in any emergency situations

**All SwatTeam members must follow these four guidelines:**

- Never make physical contact with a student
- Always provide a safe walk home through a well-lit area
- Must wear SwatTeam t-shirt while working
- May not consume alcohol before or during the event/party

**Event/Party Host Responsibilities**

By signing the alcohol permit, the hosts agree to be responsible for compliance with party guidelines and local, state and federal law before, during, and following the event. **Event/party hosts must not consume alcohol for the duration of their hosting responsibilities for the event/party. Nor can they consume alcoholic beverages prior to the beginning of the event.** Organizations are able to have more than two (2) hosts for an event and work in shifts during an event/party. Failure to obtain an alcohol permit and display it at the event will result in the event/party being closed down. Both party hosts must meet with SwatTeam (and Public Safety) representatives before the event/party can begin. In addition, the event/party hosts may be held accountable for any violations of the student code of conduct.

**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, chalking, 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. Illegal advertising or inappropriate signs will be removed and the individual and/or organization will be restricted from the ability to host an event/party until meeting with the Office of Student Engagement.

**During the Party**

While the social function is in progress and when alcoholic beverages are available (whichever is longer), the event/party hosts and SwatTeam must be in attendance, at all times. It is the responsibility of the hosts to regulate the serving of alcoholic beverages and to observe all laws and College guidelines regarding social events. Hosting the event/party without the approved presence of SwatTeam members for a party will result in the function being shut down.

### **During the event/party, the hosts responsibilities are:**

- Control the serving of alcoholic beverages;
- Refrain from serving alcoholic beverages to underage persons;
- Prohibit non-Tri-College persons, except authorized guests, from entering the party; and
- Prohibit visibly intoxicated persons from obtaining alcoholic beverages at the event/party.

### **It is also the responsibility of the event/party hosts to ensure that the following regulations are adhered to:**

1. The Alcohol Permit must be displayed clearly for the duration of the event/party, 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 & organization host member ID checkers must be stationed at the doors to regulate entry into the event/party and to ensure that alcoholic beverages are not carried out of the event/party. Only guests over the age of 21 will be provided a wristband indicating they are of the legal drinking age. The sharing of wristbands is strictly prohibited and will result in referral to the student conduct process.
3. A Swarthmore student is generally permitted to bring one (1) non-College guest to a party (this includes Tri-Co students). For private parties, the hosts must generate a guest list to be provided to the Office of Student Engagement and the SwatTeam members before the party begins. Failure to produce a list will result in guests not being allowed into the space. The guest, accompanied by the student host, must sign in at the door.
4. Signs must be posted in clear view at the entrance and where the alcohol is being served at all times during an event/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 any event/party.

If, in any event/party, the hosts are unable to uphold the guidelines and keep the party under control, they are required to call the Office of Public Safety at 610-328-8333 or ext. 8333. Public Safety officers are free to enter registered and unregistered parties, at any time.

Any violations of these responsibilities will be referred to the Director of Student Conduct and/or Office of Student Engagement for appropriate follow-up and possible adjudication through the Student Conduct process.

## **After the Party**

Cleanup is the responsibility of the hosts and/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 (including Swaudio). In addition, hosts and/or sponsoring student organizations will be held responsible for any damages to the facility or equipment in that space.

## **Substance Free Activities and Education**

Swarthmore is committed to providing prevention, treatment, advocacy and support for all students. Matriculating students begin their AOD awareness through an online program (AlcoholEdu) that provides education as an early prevention effort. Additionally, a full-time AOD Counselor & Educator provides individual counseling and campus programs, which include residence-based offerings. Each year, the AOD Counselor and Educator offers the AOD Program Series, which covers four key areas of prevention on campus. These related to diversity considerations, athletic performance, and biopsychosocial influences.

Swarthmore's campus also supports substance-free options, as evidenced by the development and expansion of our substance-free floor and counter programming during registered alcohol events. Moreover, substance-free programming has been integrated into our large-scale events (e.g., Halloween, Worthstock). Substance-free self-care has also been a focal topic of our AOD Counselor & Educator's programming.

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

In 1988 and in 1989, the federal government adopted the Drug-free Workplace Act and Drug-Free Schools and Communities Act, respectively. As a condition of receiving federal grants, the College must certify that it is in compliance with this law. This means that illegal drug use and underage drinking is not only a violation of state law, but also a violation of College policy and will result in disciplinary action, up to and including dismissal. The consumption of alcohol in quantities to the extent that an employee is unable to perform the duties of the job in a safe and productive manner, is also a violation of College policy and will result in disciplinary action, up to and including dismissal.

## **Violations of the Drug Free Workplace Policy and Employment**

Violations of this policy will result in disciplinary action in accordance with College policies and procedures covering the conduct of faculty, and staff, up to and including dismissal (consistent with the local, state, and federal laws described below). As a condition of employment, all employees must abide by the terms of this policy.

Student violations of the Alcohol and Other Drugs Policies of the College will be handled in accordance with the Student Code of Conduct Rules and Regulations.

## **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.



Students and DPS Officers compete in the annual 'Crum Regatta' held on the Crum Creek.

## Title IX and College-Defined Sexual Misconduct Policy

**Note:** *These policies and procedures are implemented on an interim basis for the 2020-21 academic year. Swarthmore College reserves the right to modify these policies and procedures in accordance with business necessity and applicable legal and regulatory guidance and requirements. The most up-to-date version of these policies is available online at <https://www.swarthmore.edu/title-ix>.*

### 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 holistic academic potential of students and professional potential of employees may be realized. In order to create and maintain such an inclusive climate, all who work and learn at the College are partners in the endeavor to ensure that the community is free from discrimination based on sex or gender, including sexual harassment, sexual assault, and other forms of sexual misconduct. These behaviors threaten our learning, living, and work environments and will not be tolerated.

Prohibited conduct under this policy may also be crimes under Pennsylvania law. Title IX of the Education Amendments of 1972 (“Title IX”) 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, domestic violence, dating violence, and stalking. 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.”

Further, The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) is federal legislation that requires educational institutions that participate in federal student aid programs to maintain and disclose non-identifying information about the crimes that occur on or near their campus including allegations of sexual misconduct, specifically sexual assault, domestic violence, dating violence, and stalking. In compliance with the Clery Act, the College will publish non-identifying information about Clery criminal offenses and annually submit the College’s Annual Fire Safety and Security Report (AFSSR) to the U.S. Department of Education. For more information about Clery Act compliance or to obtain a copy of the AFSSR, contact the Department of Public Safety. The College, an officer, employee, or agent of the College, may not retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities in this policy as required under the Violence Against Women Act.

In compliance with Title IX, the College will address reported violations of sexual harassment covered under Title IX. The College is also committed to addressing acts that violate our community standards and are not covered under Title IX, but fall within the definitions of College-defined sexual misconduct.

Swarthmore College is an institution that strives to achieve its mission as a liberal arts college by encouraging the 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 sex and gender-based discrimination and harassment.

## **Reason for Differentiation between Title IX Conduct and College-Defined Sexual Misconduct**

On May 19, 2020, the U.S. Department of Education issued regulations under Title IX of the Education Amendments of 1972 that:

- Defines the meaning of “sexual harassment” (including forms of sex-based violence) under Title IX;
- Addresses how institutions must respond to reports of conduct falling within that definition of sexual harassment; and
- Mandates procedures that institutions must follow to comply with the law in these specific covered cases before issuing a disciplinary sanction against a person accused of sexual harassment.

The definition of “sexual harassment” under Title IX does not cover all of the conduct the College has traditionally addressed under our previous *Sexual Assault and Harassment Policy*. Swarthmore College remains committed to addressing conduct that we have traditionally viewed as violating our community standards, that now does not fall within the definition of “sexual harassment” under Title IX, by providing procedures for College-defined sexual misconduct.

To be clear, the College has not narrowed the range of behavior that can be addressed under this revised *Title IX and College-Defined Sexual Misconduct Policy*. In recent years, “Title IX” cases have become a shorthand for any campus disciplinary process involving sex discrimination, including those arising from sexual harassment and sexual assault. But under the new Title IX regulations, the College must narrow both the geographic scope of its authority to act under Title IX and the types of “sexual harassment” that it must subject to its Title IX investigation and adjudication process. Only incidents falling within the Title IX definition of sexual harassment must be adjudicated through a live hearing compliant with the procedures required under Title IX. To the extent that the alleged misconduct falls outside the scope of Title IX, the College retains authority to investigate and adjudicate the allegations under the policies and procedures for College-defined sexual misconduct.

Finally, our existing Title IX office and reporting structure remains in place. What has changed is which procedures apply to different types of reports arising from sexual misconduct, but not the support and resources available to our community members. We remain here to help.

## **Scope of Policy**

Swarthmore College’s *Title IX and College-Defined Sexual Misconduct Policy* (“Policy”) applies to all Swarthmore College community members, including students, employees (including administration, faculty, and staff), volunteers, independent contractors, visitors, and any individuals regularly or temporarily employed, studying, living, visiting, conducting business, or having any official capacity at the College. Alleged misconduct subject to this Policy (“prohibited conduct”) includes both Title IX sexual harassment (which is defined by law) and College-defined sexual misconduct (which includes allegations that do not meet the



definitions under Title IX, but nonetheless violate Swarthmore College's community standards), as discussed further in the Sections VI and VII below.

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, 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 campuses 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. Students from Haverford, Bryn Mawr, or the University of Pennsylvania who are enrolled in Swarthmore College classes are also protected by and subject to standards of this policy and any potential violations may be addressed under this policy.

The College's Policy on Prohibited Relationships prohibits romantic or sexual relationships between College employees and students. Violations of the Policy on Prohibited Relationships will be addressed by that policy, unless the prohibited conduct also violates the *Title IX and College-Defined Sexual Misconduct Policy* in which case it may be addressed in whole or in part by this Policy. Please refer to the provost's office website or human resources website for more information.

## **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 sexual misconduct in order to eliminate the misconduct, prevent its recurrence, and address its effects on any individual or the community. Please see Section XIII for discussion of how to make a report of prohibited conduct or to file a complaint.

## **Privacy and Confidentiality**

Swarthmore College respects the privacy of individuals involved in any report of alleged prohibited conduct, meaning the Title IX coordinator and others responsible for carrying out this Policy will disclose information only as required to implement this Policy or by law. If a reporting party requests that a report of prohibited conduct remain (*i.e.*, with the reporting party's identity not being disclosed to the respondent

and an investigation not being commenced), the Title IX coordinator will evaluate that request in the context of the College's responsibility to provide a safe and nondiscriminatory environment for all members of its community. The College may question an employee-respondent about alleged prohibited conduct without disclosing the identity of the reporting party, provided that it does not take disciplinary action against that respondent without implementing the formal complaint processes in *Procedures for Resolution of Title IX Complaints against Faculty/ Staff* or *Procedures for Resolution of College-Defined Sexual Misconduct Complaints against Faculty/ Staff*.

The reporting party is not required to file a formal complaint to receive supportive measures (Section XII), but there may be instances when disclosing the reporting party's identity is necessary to provide certain supportive measures (e.g., where the responding party would need to know the identity of the reporting party in order to comply with a contact restriction). Swarthmore College will maintain as private any supportive measures provided to the parties, to the extent that maintaining such privacy would not impair its ability to provide the supportive measures.

Privacy and confidentiality have distinct meanings under this policy:

- **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** means that information shared by an individual with designated confidential campus or community professionals cannot be revealed to any other individual without express permission of the disclosing individual. Those campus and community professionals include medical providers, mental health providers, religious / pastoral counselors, and the violence prevention 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 or the disclosure is otherwise legally permitted or required. Non-identifying, aggregate data may be shared for statistical purposes consistent with the Clery Act.
  - **Limitations to Confidentiality.** College employees designated as "responsible employees" are required to share a report of prohibited conduct with the Title IX coordinator or deputy Title IX coordinator. (See Section XIII below for full discussion of reporting requirements).

The Title IX coordinator, in consultation with the Title IX assessment team (as necessary), will conduct an initial assessment of the conduct, the reporting party's desired course of action, and the necessity for any supportive measures or services to protect the safety of the reporting party and/or the community. The goal is to eliminate any hostile environment.

If a report of misconduct discloses a serious or 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 reporting party. 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 reporting party to the general public without the express consent of the reporting party 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, the 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.

## Definitions of Sexual Harassment

Below are two definitions of sexual harassment. The first definition (Title IX sexual harassment) is the provided definition pursuant to the federal regulations implementing Title IX. Alleged violations of Title IX sexual harassment will be resolved through the Title IX procedures. The second definition (College-defined sexual harassment) describes behavior that violates Swarthmore community standards. Alleged violations of College-defined sexual harassment will be resolved by the College-Defined Sexual Misconduct procedures.

### A. **Title IX sexual harassment means:**

1. Conduct on the basis of sex that involves an employee of Swarthmore College conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct; or
2. An individual engaging in unwelcome conduct determined by a reasonable person to be so severe, pervasive, *and* objectively offensive that it effectively denies a person equal access to the College's education program or activity.
3. In order to constitute Title IX sexual harassment, the alleged misconduct must have occurred:
  - i. in the United States;
  - ii. in Swarthmore College's education program or activity, which is defined as locations, events or circumstances over which the College exercised substantial control over both the respondent and the context in which the misconduct occurred, or any building owned or controlled by a student organization officially recognized by the College; **and**
  - iii. the complainant must be participating in or attempting to participate in the College's education program or activity at the time a formal complaint is filed.

### B. College-defined sexual harassment (CDSH) is any unwelcome conduct of a sexual nature or based on sex or gender when at least one of the following conditions are present *and* Section A.3.i-iii are not applicable:

1. ***Quid Pro Quo***: Submission to or rejection of such conduct is an explicit or implicit condition of, or the basis of an individual's employment, evaluation of academic work, or any aspect of a College program or activity.
2. ***Hostile Environment***: 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.

CDSH 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 CDSH 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.

Both definitions of sexual harassment can take many forms and may:

- Include, but are not limited to sexual advances or requests for sexual favors, inappropriate comments, jokes or gestures, or other unwanted verbal or physical conduct of a sexual nature.
- 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.
- Not include intent to harm, be directed at a specific target, or involve repeated incidents.
- 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.
- Be committed by a stranger, an acquaintance, or someone with whom the complainant has an intimate or sexual relationship.
- Be committed by or against an individual or may be a result of the actions of an organization or group.
- Occur by or against an individual of any sex, gender identity, gender expression, or sexual orientation.
- Occur in the classroom, in the workplace, in residential settings, over electronic media (including the internet, telephone, and text), or in any other setting.
- Be a one-time event or part of a pattern of behavior.
- Be committed in the presence of others or when the parties are alone.
- Affect the complainant and/or third parties who witness or observe the harassment.

**Note:** Applied definitions of alleged violations of sexual harassment will depend upon the applicability of conditions described in Section VI.A.3.i-iii above. Key determining factors are that the behavior is unwelcome, is sex or gender-based, and is reasonably perceived as offensive and objectionable under both a subjective and objective assessment of the conduct.

## Definitions of Additional Prohibited Conduct

The following conduct constitutes additional prohibited conduct under the Policy:

- A. ***Sexual Assault:*** Penetration or attempted penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration or attempted penetration by a sex organ of another person, without the consent of the alleged victim.
- B. ***Non-Consensual Sexual Touching:*** The touching of the private body parts of another person for the purpose of sexual gratification without the consent of the alleged victim, including intentional contact with the intimate parts of another, causing another to touch one's intimate parts, or disrobing or exposure of another without that person's consent. Intimate parts may include the breasts, genitals, buttocks, groin, mouth, or any other part of the body that is touched in a sexual manner.
- C. ***Dating Violence:*** Violence, including sexual or physical abuse or the threat of such abuse, committed by a person who:
  - 1. Is or has been in a social relationship of a romantic or intimate nature with the alleged victim; and
  - 2. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
    - i. the length of the relationship,
    - ii. the type of relationship, and
    - iii. the frequency of interaction between the persons involved in the relationship.
- D. ***Domestic Violence:*** Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the alleged victim, by a person with whom the alleged victim shares a child in common, by a person who is cohabitating with or has cohabitated with the alleged victim as a spouse or intimate partner, by a person similarly situated to a spouse of the alleged victim under the domestic or family violence laws of Pennsylvania, or by any other person against an adult or youth alleged victim who is protected from that person's acts under the domestic or family violence laws of Pennsylvania.
- E. ***Stalking:*** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress. For the purposes of this definition:
  - 1. A course of conduct means two or more acts, including, but not limited to, acts in which the alleged stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
  - 2. A reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

3. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

**Note:** Stalking includes the concept of cyberstalking, 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;
- Sending/posting unwelcome/unsolicited messages with an assumed identity;
- Implicitly threatening physical contact;
- Any combination of these behaviors directed toward an individual person.

- F. ***Sexual Exploitation:*** 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 College-defined 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 another'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.

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

H. ***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 that is sex or gender-based 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:

1. Substantially interfering with a community member's education, employment, or full enjoyment of the College;
2. Creating a threatening or intimidating environment; or
3. Substantially disrupting the orderly operation of the College.

**Note:** 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 their physical well-being. Intimidation is prohibited and participating in such acts 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 <sup>[1]</sup>~~sep~~ be in violation of retaliation as described in this Policy and will be subject to disciplinary action.

When acts of bullying and intimidation occur in the context of intimate-partner violence or when the behavior is perpetrated on the basis of sex or gender, the student conduct will be resolved under either *Procedures for Resolution of Title IX Complaints against Students* or *Procedures for Resolution of College-Defined Sexual Misconduct Complaints against Students*; employee conduct will be resolved under either *Procedures for Resolution of Title IX Complaints against Staff and Faculty* or *Procedures for Resolution of College-Defined Sexual Misconduct Complaints against Staff and Faculty*.

I. ***Physical Assault:*** Any 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 dating or domestic violence or when the behavior is perpetrated on the basis of sex or gender, the student conduct will be resolved under either *Procedures for Resolution of Title IX Complaints against Students* or *Procedures for Resolution of College-Defined Sexual Misconduct Complaints against Students*; employee conduct will be resolved under either *Procedures for Resolution of Title IX Complaints against Staff and Faculty* or *Procedures for Resolution of College-Defined Sexual Misconduct Complaints against Staff and Faculty*.



## Procedural Options

If the alleged conduct defined above meets all of the following conditions, the Title IX procedures will apply. If the alleged conduct defined above does *not* meet all of the following conditions, then the College-Defined Sexual Misconduct procedures will apply. The conditions are as follows:

- A. The alleged conduct must have occurred in the United States;
- B. The alleged conduct must have occurred in Swarthmore College's education program or activity, which is defined as locations, events or circumstances over which the College exercised substantial control over both respondent and the context in which the misconduct occurred, or any building owned or controlled by a student organization officially recognized by the College; **and**
- C. The complainant must be participating in or attempting to participate in the College's education program or activity at the time a formal complaint is filed.

## Related Definitions

- A. **Coercion:** 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:

- Threatening to "out" someone based on sexual orientation, gender identity, or gender expression.
  - Threatening to harm oneself if the other party does not engage in the sexual activity.
- B. **Complainant:** Any member of the College community seeking a formal disciplinary process in response to prohibited conduct.
  - C. **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 should not be assumed. Consent is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage freely in sexual 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 immediately.

### Guidance for assessing consent:

- Prior to initiating any sexual activity, the person(s) initiating and/or continuing the sexual activity is expected to obtain consent. If at any time during the sexual activity, any confusion or ambiguity arises, individuals should pause and seek clarification regarding consent. 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 should not be inferred solely 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.
- Consent to previous sexual activity and/or in the context of an intimate relationship does not presume consent is given in any subsequent sexual encounter.
  - 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.
  - Consent cannot be obtained from an individual who is incapacitated. A full discussion of incapacitation follows in Section IX.F below.
  - 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 fewer than four (4) years older than the minor.
  - Consent cannot be given for sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- D. **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.
- E. **Formal Complaint:** A document submitted by a complainant and bearing the complainant's physical or digital signature, or otherwise indicating that the complainant is the one filing the formal complaint, requesting that the College investigate the allegations of prohibited conduct. The Title IX coordinator also may sign a formal complaint, as discussed in Section XIII.B, but does not become the complainant by doing so. In order to file a formal complaint, a complainant must be participating in or attempting to participate in Swarthmore College's education program or activity at the time a formal complaint is filed.
- F. **Incapacitation:** Incapacitation describes an individual who lacks the ability<sup>[SEP]</sup> 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.

**Warning signs that a person may be approaching incapacitation may include:**

- Slurred speech
- Vomiting
- Unsteady gait
- Odor of alcohol
- Combativeness
- Emotional volatility

**Guidance for evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs affects an individual, with respect to:**

- Decision-making ability
- Awareness of consequences
- Ability to make informed judgments
- Capacity to appreciate the nature and the quality of the act

Evaluating incapacitation also requires an assessment of whether a responding party 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 responding party's position.

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.

- G. **Intentional:** Intentional is defined as knowingly and/or recklessly engaging in sexual contact without an individual's consent and does not include accidental contact. Being intoxicated or impaired by drugs or alcohol is never an excuse for sexual misconduct in any form and does not negate one's intent nor diminish one's responsibility to obtain informed and freely given consent.
- H. **Prohibited Conduct:** Prohibited conduct includes Title IX-covered misconduct and College-defined sexual misconduct.
- I. **Reporting Person:** Any person who makes a report to the Title IX coordinator or deputy Title IX coordinator about prohibited conduct and is seeking resources or support in response to sexual misconduct.
- J. **Responding Person:** Any person alleged, through a report to the Title IX coordinator, to have engaged in prohibited conduct.
- K. **Respondent:** Any member of the College community who has been alleged to have violated the Policy.

## **Retaliation**

Retaliation against an individual for participating in any way in a report, investigation, hearing or other proceeding under this Policy is strictly prohibited. No one may intimidate, threaten, coerce or discriminate against any individual for the purpose of interfering with any right or privilege secured under this Policy, or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy. 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.

## Role of the Title IX Coordinator

The Title IX coordinator 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, Bindu K. Jayne, 504 Fieldhouse Lane, 610-690-3720,  
[bjayne1@swarthmore.edu](mailto:bjayne1@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 procedures;
- 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 oversight of sexual violence prevention education and employee training;
- Responsible for monitoring full compliance with all requirements and timelines specified in the complaint procedures; and
- Responsible for compiling annual and semiannual reports.

In addition, trained deputy Title IX coordinators are also available to offer assistance. The deputy Title IX coordinators are:

**Deputy Title IX Coordinator for Faculty:** Peter Baumann, Provost's Office, 610-328-8433, Papazian 216, [pbauman1@swarthmore.edu](mailto:pbauman1@swarthmore.edu)

**Deputy Title IX Coordinator for Staff:** Paula MacDonald, 101 South Chester Rd., 610-690-5667, [pmacdon1@swarthmore.edu](mailto:pmacdon1@swarthmore.edu)

**Interim Deputy Title IX Coordinator for Students:** Rachel Head, Office of Student Affairs, Parrish Hall LL76, 610-328-8362, [rhead1@swarthmore.edu](mailto:rhead1@swarthmore.edu)

**Interim Deputy Title IX Coordinator for Physical Education and Athletics:** Marie Mancini, 610-328-8223, [mmancin1@swarthmore.edu](mailto:mmancin1@swarthmore.edu), Fieldhouse Lane Dorm

## Supportive Measures

### Overview

The College is committed to treating all members of the community with dignity, care, and respect. Any community member affected by sexual misconduct, whether as a reporting party, complainant, responding party, respondent, or 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, 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 and whether it is reported to the College or law enforcement.

Supportive measures are non-disciplinary, non-punitive individualized services that may be provided to parties upon request, when deemed by the Title IX coordinator to be appropriate and reasonably available. Supportive measures may also be imposed at the initiative and in the sole discretion of the Title IX coordinator. Supportive measures are available beginning at any time after the submission of a report of prohibited conduct. Supportive measures are highly subjective to the needs of the individuals involved and the circumstances presented, so for the best understanding of available options, community members are strongly encouraged to contact the Title IX office.

A reporting party may seek and be provided supportive measures prior to or without ever filing a formal complaint.

Supportive measures are designed to restore or preserve equal access to the College's educational programs and activities, without unreasonably burdening the other party. Supportive measures may be of any duration and may be modified at the discretion of the Title IX coordinator, as circumstances warrant. Supportive measures will be kept confidential to the extent doing so does not impair the College's ability to provide them.

### **Supportive measures may include, but are not limited to, the following:**

- Access to counseling services;
- Extensions of deadlines or other course-related adjustments (with agreement of the faculty of the course);
- Modification of work or class schedules;
- Mutual restrictions on contact between the parties (*i.e.*, contact restrictions);
- Changes in work or housing locations;
- Leaves of absence;
- Increased security and monitoring of certain areas; and/or
- Any other measures deemed appropriate by the Title IX coordinator to preserve equal access to the College's programs and activities.

**Note:** A student or employee's failure to abide by the terms of any supportive measure may result in discipline and, depending on the circumstances, could be deemed to constitute retaliation.



In general, all supportive measures that require action by the College are implemented through the Title IX coordinator. The violence prevention advocate can also assist with referrals to medical assistance, counseling, campus resources, and provide detailed information about other supportive measures available.

### **Education and Prevention Programs**

Swarthmore College as a community 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 inclusive campus resources. Swarthmore College's Title IX coordinator works with the violence prevention advocate and other campus partners to tailor programming to meet campus needs and climate. Prevention and education 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, resources, and reporting options.

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.

### **Emergency Support Services for Prohibited Conduct**

The College encourages all individuals to seek assistance from a medical provider and/or law enforcement as soon as possible after an incident of sexual misconduct. This option can provide for physical safety, emotional support, and medical care to the victim/survivor. It is the best option to ensure medical care, if necessary, and may assist in an investigation by preserving potential evidence. The College will offer to 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. The College can also assist individuals in obtaining a Protection from Abuse (PFA) order, Sexual Violence Protection order, or Protection from Intimidation order (for minors) from local Pennsylvania authorities. The College can also assist with obtaining orders outside of Pennsylvania. We request that all College community members who obtain a protection order notify public safety to enable the College to provide appropriate assistance. The College will comply with and implement applicable restrictions described in any court-issued protection order. 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.

## Emergency Response Resources:

- **Department of Public Safety**  
610-328-8333/publicsafety@swarthmore.edu  
Benjamin West House

**Note:** Public Safety officers are available 24/7/365 to respond to emergency/crisis incidents as well as non-emergency reports. Public Safety staff can assist with medical escorts, connecting students to CAPS after hours, the on-call division of student affairs staff, or an on-call nurse. They can provide assistance with contacting Swarthmore Police Department to make a report to law enforcement or obtain a Protection from Abuse order. The Ben West House can provide a safe space that is always open and staffed 24 hours a day.

- **911**
- **Swarthmore Borough Police Department**  
121 Park Ave. Swarthmore, PA 19081  
610-543-0123
- **Delaware County Women Against Rape (WAR)**  
610-566-4342 (24-hour hotline)
- **Domestic Abuse Project of Delaware County (DAP)**  
610-565-6272 or 610-565-4590 (24-hour hotline)

## On-Campus Resources

### Confidential Resources

For individuals who are seeking confidential consultation and support, there are several resources available on campus. 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 aggregate information (nature, date, time, and general location of the incident) about the incident for purposes of making a statistical report under the Clery Act.

- **Worth Health Center**  
610-328-8058  
Adjacent to the Benjamin West Parking Lot right off of Rt. 320, the center comprises student health services, counseling & psychological services, and a comprehensive wellness education team.
- **Student Health and Wellness**  
610-328-8058 (daytime)  
610-328-8548 (after-hours)  
Student health and wellness is available 24 hours a day (during the academic year) to assist students as a confidential resource. The student health and wellness confidential staff includes: nurse practitioners, registered nurses, physicians, victim advocate, and alcohol and drug counselor. An after-hours on-call system provides students with access to a registered nurse for

confidential consultation and referral. Student health and wellness can provide the option to any victim/survivor to be evaluated by a nurse to conduct a physical examination and offer to connect them with confidential counseling resources including the campus advocate, CAPS and/or the local rape crisis and/or domestic violence centers. 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 infections as a result of the assault. Student Health and Wellness does not provide a Sexual Assault Nurse Examiner (SANE). For more information on accessing SANEs, see Section XII.E.1 below.

➤ **Violence Prevention Educator and Advocate**

Hillary Grumbine

610-328-8538/hgrumbi1@swarthmore.edu

The Violence Prevention Educator and Advocate is a confidential source of support and advocacy for issues related to sexual assault, sexual harassment, relationship violence, and stalking. They are available to provide information and referrals, and can assist victims in navigating the different resources available both on and off campus. Additionally, they are available to provide support and guidance to friends and family of victims. They are also responsible for working with the Title IX coordinator to provide campus wide education via programs, events, training, and workshops.

➤ **Alcohol and Other Drugs (AOD) Counselor and Educator**

Josh Ellow

610-957-6152/[jellow1@swarthmore.edu](mailto:jellow1@swarthmore.edu)

The AOD Counselor and Educator provides prevention programming and confidential clinical care for individuals and groups. All AOD supports are student-centered, trauma-informed, and tailored to the individual needs of each case.

➤ **Counseling & Psychological Services (CAPS)**

610-328-8059

610-328-7768 (after hours)

In case of emergency: contact public safety at 610-328-8333 or dial 911 CAPS offers a wide range of free and confidential services in a safe space to help students who have experienced violence or trauma of any kind. Initial consultation, individual and group counseling, crisis intervention, and medication reviews are available. In the event of an acute psychological crisis, consultation is available on a walk-in basis during open hours, or by proceeding to public safety in Benjamin West after hours for a telephone consult with CAPS on-call.

➤ **Religious and Spiritual Life**

610-328-8328

Sproul Hall 108

These individuals act as religious counselors to provide spiritual guidance along with confidential support on a range of matters. In this policy, “religious counselor” is synonymous with “pastoral counselor” as defined by the U.S. Department of Education and refers to a person who is

associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor. (See *The Handbook for Campus Safety and Security Reporting*, U.S. Department of Education, p. 77, 2011.)

➤ **Employee Assistance Program (Carebridge)**

1-800-437-0911

Carebridge is available 24/7 to provide confidential consultation and referral services to help benefit eligible employees and their families.

## **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 and Deputies**

- Title IX Coordinator: Bindu K. Jayne, 504 Fieldhouse Lane, 610-690-3720, [bjayne1@swarthmore.edu](mailto:bjayne1@swarthmore.edu)
- Deputy Title IX Coordinator for Faculty: Peter Baumann, Provost's Office, 610-328-8433, Papazian 216, [pbauman1@swarthmore.edu](mailto:pbauman1@swarthmore.edu)
- Deputy Title IX Coordinator for Staff: Paula MacDonald, 101 South Chester Rd., 610-690-5667, [pmacdon1@swarthmore.edu](mailto:pmacdon1@swarthmore.edu)
- Interim Deputy Title IX Coordinator for Students: Rachel Head, Office of Student Affairs, Parrish Hall LL76, 610-328-8362, [rhead1@swarthmore.edu](mailto:rhead1@swarthmore.edu)
- Interim Deputy Title IX Coordinator for Physical Education and Athletics: Marie Mancini, 610-328-8223, [mmancin1@swarthmore.edu](mailto:mmancin1@swarthmore.edu), Fieldhouse Lane Dorm

➤ **Division of Student Affairs**

The Swarthmore College division of student affairs 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 division for academic affairs and support, and disability services. A student's dean can help them access all resources in the division of student affairs.

➤ **Department of Public Safety**

Public safety officers are available 24/7/365 to respond to emergency/crisis incidents as well as non-emergency reports. Public safety staff can assist with medical escorts, connecting students to CAPS after hours, the on-call division of student affairs staff, or an on-call nurse. They can provide assistance with contacting Swarthmore Police Department to make a report to law enforcement or obtain a Protection from Abuse order. The Ben West House can provide a safe space that is always open and staffed 24 hours a day.

- In case of emergency: call x8333 or 610-328-8333 (off campus).

- For general business: call x8281 or 610-328-8281 (off campus).
- **Whistleblower Hotline: 1-866-292-7713**  
This toll-free line is available 24/7 and there will always be someone available to speak with you. The line is managed by an outside company that will listen to your concern and direct it to the appropriate college official for prompt and corrective action. You may remain anonymous or you may choose to identify yourself. Regardless of your decision, your information will be documented and addressed appropriately.

## Off-Campus Resources

### Community Medical Providers

A medical provider, such as Riddle Memorial Hospital, Crozer-Chester Medical Center, 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 Examiners (SANE) trained to work to collect evidence in a manner consistent with evidence-collecting requirements in Pennsylvania.

If the incident involves sexual misconduct that happened within 72 to 96 hours, the victim/survivor has the option and is encouraged to have evidence collected and preserved by a Sexual Assault Nurse Examiner (SANE) at a local hospital. Preserving the evidence can be used if the victim/survivor chooses to seek resolution through the campus complaint process or take criminal action. If the victim/survivor chooses to have evidence collected, they can be escorted to the nearest hospital by the Department of Public Safety or will be transported by taxi (voucher provided by either student health and wellness or public safety) to the medical provider of the victim/survivor's choice. The victim/survivor can later return to student health and wellness for follow-up medical care.

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, Delaware County Women Against Rape (WAR).

- **Riddle Memorial Hospital** 484-227-9400, 1068 W. Baltimore Pike, Media, Pa. 19063 (7.5 miles)
- **Crozer-Chester Medical Center** 610-447-2000, 1 Medical Center Blvd., Chester, Pa. 19013 (3.5 miles)
- **Springfield Hospital** 610-328-8700, 190 W. Sproul Road, Springfield, Pa. 19064 (3 miles)
- **Mazzoni Center** 215-563-0652 or <sup>SEP</sup> 215-563-0658 (<http://mazzonicenter.org>)

A lesbian, gay, bisexual, and transgender (LGBT) health care and wellness center with two locations in Center City Philadelphia. At its location on 21 S. 12th St., 8th floor, this organization provides counseling and behavioral health, case management, legal services, prevention and education, housing, and food-bank services. Its location on 809 Locust St. provides comprehensive primary health care services focusing on the needs of LGBT individuals.



## Off-Campus Confidential Resources

- **Delaware County Women Against Rape (WAR)**  
610-566-4342 (24-hour hotline)  
Offers comprehensive direct services<sup>[1]</sup><sub>[SEP]</sub> to victims/survivors of sexual assault including a 24-hour hotline, accompaniment services, counseling services, and assistance with victim compensation. All direct victim services are free and confidential.
- **Domestic Abuse Project (DAP) of Delaware County**  
610-565-4590  
14 West Second St., Media, Pa. 19063  
DAP provides immediate crisis intervention, safety planning, and information and referral on their 24/7 hotline. Staff offers short and long-term supportive/educational counseling, as well as therapeutic counseling designed to address the emotional barriers around abuse.

## Off-Campus Legal Assistance

- **Equality Pennsylvania & Equality Advocates Pennsylvania**  
215-731-1447  
1211 Chestnut St., Suite 605, Philadelphia, Pa. 19107
- **Delaware County Bar Association**  
610-566-6625  
335 W Front St, Media, Pa. 19063
- **Legal Aid of Southeastern Pennsylvania**  
610-436-4510  
222 N. Walnut Street, Second Floor, West Chester, Pa. 19380
- **Philadelphia Legal Assistance**  
215-981-3800  
718 Arch St #300N, Philadelphia, Pa. 19106
- **Women Against Abuse Legal Center**  
215-686-6311, ext. 19217
- **Women's Law Project**  
215-928-9801  
125 S 9th St #300, Philadelphia, Pa. 19107
- **Delaware County Women Against Rape (WAR)**  
(see contact information above)

**Note:** Individuals are encouraged to reach out to the Title IX office for a more comprehensive list of services and identity-centered off-campus resources.

## Reporting

### Overview

The College encourages all community members to report prohibited conduct in order to obtain assistance and maintain a safe campus environment. As outlined above in this Policy, the College encourages all individuals to immediately seek assistance from law enforcement, public safety, a medical provider, and/or a violence prevention advocate. All Swarthmore community members, even those who are not obligated by this Policy, are strongly encouraged to report information regarding any incident of prohibited conduct to the Title IX coordinator. To the best of its ability, the College will respond to every report it receives. Anonymous or third-party reports may limit the response the College can provide.

The Title IX coordinator is charged with responding to allegations of sexual misconduct to stop the behavior, prevent its recurrence, and remedy its effects. Specifically, the Title IX coordinator, or their designee, will coordinate the initial assessment, offer resources and support, and initiate an investigation when appropriate and/or requested.

### How to Report

Any person may report conduct constituting possible prohibited conduct to the Title IX coordinator in person, by mail, by telephone, by email or via the online reporting form. The Title IX coordinator will promptly contact the reporting party to discuss the availability of supportive measures (see Section XII) and to explain the process for filing a formal complaint (if applicable). Reporting parties are not required to proceed with a formal complaint to access supportive measures.

Anonymous reporting is permitted via the online reporting form. Depending on the information provided, the College's ability to take action in response to an anonymous report may be limited.

If the reporting party desires to proceed with a formal complaint, the Title IX coordinator or designee will initiate the applicable procedures. If the reporting party decides not to submit a formal complaint, the Title IX coordinator may sign a formal complaint when the Title IX coordinator deems an investigation is necessary to address the prohibited conduct, including in order to provide a safe and nondiscriminatory environment for all members of Swarthmore's community. In deciding whether to sign a complaint, if the complainant elects not to do so, the Title IX coordinator may, but is not required to, consider factors such as whether the conduct alleged included threats, violence, serial predation, or weapons. A complainant is not required to submit a formal complaint in order to receive supportive measures. A written guide to resources is provided to all reporting parties.

### Reports to Authorized and Responsible Employees

There may be instances when a student or employee discloses alleged prohibited conduct to an employee of Swarthmore College. Whether that disclosure constitutes actual notice to the College, triggering its response obligations under this Policy, depends on the role of the employee to whom the disclosure is made, as follows:

➤ ***Authorized Employees***

A disclosure or report of prohibited conduct made to an authorized employee (regardless of whether the disclosure is made by the complainant or a third party) constitutes a report to the College (*i.e.*, actual knowledge), triggering a response under this Policy. All authorized employees are required to promptly report disclosures of prohibited conduct to the Title IX coordinator, including all information that has been disclosed to the authorized employee, such as the names of those involved, the location of the incident, the alleged prohibited conduct, etc. The following individuals are authorized employees:

- Title IX coordinator
- Provost
- President
- Vice president for human resources
- Vice president for student affairs

➤ ***Responsible Employees***

With the exception of those employees who have recognized confidentiality, all faculty and staff members of the College are designated as responsible employees. Student-employees who serve as resident advisors, student academic mentors, and SWATeam members are also designated as responsible employees because of the unique functions of their student employment role. All responsible employees are required to share with the Title IX coordinator a report of prohibited conduct about which they become aware. These employees must promptly share all details of the reports they receive.

**Note:** All students and employees, even if not authorized or responsible employees, are encouraged to report instances of possible prohibited conduct to the Title IX coordinator.

The College will generally not investigate information and statements provided in classroom writing assignments or discussions, research projects, or community public awareness events related to issues of sexual misconduct, unless the reporting party clearly indicates that they wish a report to be made. During such situations and if appropriate, the Title IX coordinator or designee will provide the person making the statement with campus and community resources.

Those employees with reporting obligations do not need to report when incidents of sexual misconduct are communicated during a classroom discussion, in a writing assignment for a class, or as part of a research project.

**Making a Report vs. Filing a Formal Complaint**

A report is defined as notification of an incident of prohibited conduct to the Title IX coordinator by any responsible employee or reporting person. A report may be accompanied by a request for resources, no further action, adaptable remedies, and/or to initiate a formal complaint process. Filing a formal complaint is the request to initiate the College's formal disciplinary process.

At the time a report is made, a reporting person does not have to decide whether to file a formal complaint. The College recognizes that not every individual will be prepared to file a complaint with the College or law enforcement, and individuals are not expected or required to pursue a specific course of 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. A report may become a formal complaint, either initiated by the reporting party or the Title IX coordinator.

**To file a complaint, please contact the Title IX office at 504 Fieldhouse Lane, 610-690-3720, or the Title IX Coordinator, Bindu K. Jayne [bjayne1@swarthmore.edu](mailto:bjayne1@swarthmore.edu).**

## **Emergency Removal**

If at any point following the receipt of a report of prohibited conduct, the College determines that the responding party poses an immediate threat to the physical health or safety of the reporting party or any other person(s), including the responding party, the College may immediately and temporarily remove the responding party from any or all of its programs or activities. The imposition of an emergency removal does not suggest a finding of responsibility for any prohibited conduct.

Before imposing an emergency removal of a student, the emergency removal team will undertake an individualized safety and risk analysis concerning the responding party at the request of the Title IX coordinator. The emergency removal team is composed of the student conduct administrator and the director of public safety. An emergency removal will be imposed only if the emergency removal team concludes that the threat to physical health or safety arises from the allegations of prohibited conduct and warrants the removal.

An emergency removal may involve the denial of access to some or all of the College's campus facilities, academic program, or other programs or activities. While the College may provide alternative academic or employment opportunities during an emergency removal, it is not required to do so. Non-punitive actions taken as supportive measures (*e.g.*, changes in housing) do not constitute emergency removals.

The Title IX coordinator will notify the responding party of the terms imposed in connection with an emergency removal. The responding party has the opportunity to challenge the emergency removal upon receipt of that notice. In order to challenge the emergency removal, the responding party shall submit an appeal via email to the dean of students for students and vice president for human resources for employees, within three (3) calendar days from the date of the notice of emergency removal, explaining why emergency removal is not appropriate. In evaluating the appeal, the dean of students or vice president for human resources, as appropriate, may seek additional information from the responding party or any other individual. The emergency removal will remain in place while the appeal is pending. The dean of students or vice president for human resources shall issue a decision as soon as possible under the circumstances. The decision is final and not subject to further appeal.

Separate from the emergency removal process, the Title IX coordinator may request that an employee-respondent be placed on administrative leave, with or without pay.

## **Reporting to Law Enforcement**

In addition to a College response, the College also encourages reporting parties to pursue criminal action for incidents of prohibited conduct that may also be crimes under Pennsylvania criminal statutes or the applicable criminal statute of the jurisdiction. The College will assist a reporting party, at their request, in contacting local law enforcement and will cooperate with law enforcement agencies if a reporting party decides to pursue the criminal process to the extent permitted by law. Except where the reporting party is younger than 18 years old, the College will generally respect a reporting party's choice 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 younger 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 reporting party 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 to prosecute a responding party nor the outcome of any criminal prosecution is determinative of whether prohibited conduct has occurred under this Policy. Proceedings under the Policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings and such timing will be determined by the Title IX coordinator in consultation with campus partners.

## **Third-Party Reporting**

Any individual may make a report concerning an act of prohibited conduct. An individual who is not a responsible employee may report the incident without disclosing or identifying parties involved. Depending on the level of information available about the incident or the individuals involved, the College may be limited in its ability to respond.

The College has created an online Title IX reporting form, which can be found on the Title IX office website. All reports of prohibited conduct 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. The College will ensure that third-party reports are reviewed and considered for compliance with the Clery Act.

## **Reporting Considerations**

### **Timeliness of Report, Location of Incident**

Reporting parties and third-party witnesses are encouraged to report prohibited conduct 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 responding party is no longer a student or employee, the College may not be able to take disciplinary action against the responding party, but it will still seek to meet its Title IX obligation by taking steps to end the behavior, 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 is covered under this policy.



## 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, reporting party, third party, and/or witness who reports prohibited conduct limited immunity from being charged for violations related to the College's alcohol or other drugs policy, 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 and/or therapeutic remedies in certain situations.

## 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 all parties to a complaint, including the complainant and respondent, as well as third parties such as witnesses may be the subject of retaliation by another individual. All such forms of retaliation are prohibited and should a complainant, respondent, or third-party suspect retaliation they are encouraged to report the behavior to the Title IX coordinator. An individual reporting prohibited conduct is entitled to protection from any form of retaliation following a report made in good faith, even if the report is not later substantiated.

## False Reporting

The allegation of sexual misconduct may have severe consequences and therefore the College takes very seriously the validity of reported information. An individual who makes a report that is later found to have been intentionally false or made maliciously without regard for the 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 resolution may be subject to disciplinary action.

## 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 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.

In the interest of protecting the safety and welfare of a child, any uncertainty about whether reporting is required or whether abuse has actually occurred should always be resolved in favor of making a report. Do not investigate, attempt to obtain proof, or try to solicit information from the child. This responsibility lies with the Pennsylvania Department of Human Services. **If the child is in immediate danger, please call 911 immediately.**

Follow these steps to make an immediate and direct report of suspected child abuse to the Pennsylvania Department of Human Services and to the College:

1. REPORT TO CHILDLINE

- IMMEDIATELY CALL: Pennsylvania's ChildLine at 800-932-0313; and

- WITHIN 48 HOURS SUBMIT AN ONLINE REPORT: to the Pennsylvania Department of Human Services at [www.compass.state.pa.us/cwis](http://www.compass.state.pa.us/cwis);

**AND, all are encouraged to**

- REPORT TO PUBLIC SAFETY: After contacting Pennsylvania's ChildLine, notify Swarthmore College Director of Public Safety, Michael Hill (610-328-8281, [mhill1@swarthmore.edu](mailto:mhill1@swarthmore.edu)) and complete the Public Safety Online Incident Report Form at [https://cm.maxient.com/reportingform.php?SwarthmoreCollege&layout\\_id=1](https://cm.maxient.com/reportingform.php?SwarthmoreCollege&layout_id=1) Internal reports will be handled with discretion and in cooperation with the state's Department of Public Welfare or local authorities.

### Reporting to External Agencies

Inquiries or complaints about the College's response to a discrimination complaint or its application of Title IX may be directed to one of the following external agencies:

- U.S. Department of Education, Office for Civil Rights, 215-656-8541, [OCR.Philadelphia@ed.gov](mailto:OCR.Philadelphia@ed.gov)
- U.S. Equal Employment Opportunity Commission, 1-800-669-4000
- PA Human Relations Commission, 215-560-2496

### Timeframes for Resolution

The College seeks to resolve all complaints of prohibited conduct in a thorough, impartial, and unbiased manner. The duration of the investigation is strongly influenced by the availability and/or responsiveness of all involved parties, the complexity of the circumstances of the complaint, and the College's academic calendar. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and impartiality 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 reporting party regarding Title IX rights, procedural options, and the implementation of supportive 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.

### Resolution Procedures:

The College has jurisdiction over prohibited conduct and may take disciplinary action against a responding party who is a current student or employee. Disciplinary action against a responding party may only be taken through one of the College's 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 impartiality 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 Policy. The College will provide a prompt, unbiased, and impartial process from the initial assessment to the final outcome.

All staff involved with the resolution processes, including investigators, deputies, case managers, and adjudicators, receive inclusive annual training on the issues related to dating violence, domestic violence, sexual assault, sexual harassment, and stalking, as well as how to conduct an investigation and adjudication process that protects the safety of victims and promotes accountability.

The procedure followed will be determined by the relationship of the respondent to the College and whether or not the alleged conduct is covered under Title IX:

- Complaints against a student will be resolved by the Procedures for Resolution of Title IX Complaints against Students or the Procedures for Resolution of College-Defined Sexual Misconduct against Students.
- Complaints against a staff member, instructional staff member, including faculty will be resolved by the Procedures for Resolution of Title IX Complaints against Faculty/Staff or the Procedures for Resolution of College-Defined Sexual Misconduct against Faculty/Staff.
- Even if the offending individual is not a student or employee, the College will promptly and equitably respond to all reports of prohibited conduct in order to eliminate the misconduct, prevent its recurrence, and address its effects on any individual or the community.



**Parish Hall**

## Procedures for Resolution of Complaints

*These procedures are implemented on an interim basis for the 2020-21 academic year. Swarthmore College reserves the right to modify these policies and procedures in accordance with business necessity and applicable legal and regulatory guidance and requirements. The most up-to-date version of these policies are available online at <https://www.swarthmore.edu/title-ix>.*

### Scope

The *Title IX and College-Defined Sexual Misconduct Policy* applies to all members of the College community, including students, employees, volunteers, independent contractors, visitors, or any individuals regularly or temporarily employed, studying, living, visiting, conducting business or having any official capacity at the College. The College has jurisdiction over complaints of allegations involving Title IX-covered conduct or College-defined sexual misconduct and may take disciplinary action against a respondent who is a current student or employee. The policy's full scope is described in the *Title IX and College-Defined Sexual Misconduct Policy* (the "Policy"). For a full description of policy intent, privacy/confidentiality issues, definitions of prohibited conduct, and related definitions (i.e., consent), supportive measures, reporting options, the roles of the Title IX coordinator and Title IX deputies, and retaliation, please see the Policy.

The following procedures are published and made available on the Swarthmore College Title IX Office website: <https://www.swarthmore.edu/title-ix>

[Procedures for Resolution of Title IX Complaints against Students](#)

[Procedures for Resolution of College-Defined Sexual Misconduct Complaints against Students](#)

[Procedures for Resolution of Title IX Complaints against Staff and Instructional Staff, Including Faculty](#)

[Procedures for Resolution of College-Defined Sexual Misconduct Complaints against Staff and Instructional Staff, Including Faculty](#)

Any reference to a College administrator throughout these procedures refers to the named College administrator or their designee.

### Distinction between the Two Procedures

On May 19, 2020, the U.S. Department of Education issued regulations under Title IX of the Education Amendments of 1972 that:

- Defines the meaning of "sexual harassment" (including forms of sex-based violence) under Title IX
- Addresses how institutions must respond to reports of conduct falling within that definition of sexual harassment, and
- Mandates procedures that institutions must follow to comply with the law in these specifically covered cases before issuing a disciplinary sanction against a person accused of sexual harassment.

The definition of "sexual harassment" under Title IX does not cover all of the conduct the College has traditionally addressed under our previous *Sexual Assault and Harassment Policy*. Swarthmore College remains

committed to addressing conduct that we have traditionally viewed as violating our community standards, that now does not fall within the definition of “sexual harassment” under Title IX, by providing procedures for College-defined sexual misconduct. The umbrella term to describe both Title IX-covered conduct and College-defined sexual misconduct is “prohibited conduct.” The term prohibited conduct is used in the Policy and in these procedures.

To be clear, the College has not narrowed the range of behavior that can be addressed under the revised *Title IX and College-Defined Sexual Misconduct Policy*. In recent years, “Title IX” cases have become a shorthand for any campus disciplinary process involving sex discrimination, including those arising from sexual harassment and sexual assault. However, under the new Title IX regulations, the College must narrow both the geographic scope of its authority to act under Title IX and the types of “sexual harassment” that it must subject to its Title IX investigation and adjudication process. Only incidents falling within the Title IX definition of sexual harassment must be adjudicated through a live hearing compliant with the procedures required under Title IX. To the extent that the alleged misconduct falls outside the scope of Title IX, the College retains authority to investigate and adjudicate the allegations under the policies and procedures for College-defined sexual misconduct.

Finally, our existing Title IX office and reporting structure remains in place. What has changed is which procedures apply to different types of reports arising from prohibited conduct, but not the support and resources available to our community members. Community members can always seek the advice of the Title IX office to determine what procedures apply, what options they have, and what resources are available without having to file a formal complaint. We remain here to help.

There are four separate documents which address the procedures that apply for allegations involving each of the following: Title IX complaints against a student, College-defined sexual misconduct complaints against a student, Title IX complaints against faculty and staff, and College-defined sexual misconduct against faculty and staff. Below is a summary of these procedures, highlighting support for student and employee victims of domestic violence, dating violence, sexual assault, or stalking (DVSAS) as it pertains to both student respondents and employee respondents. Please refer to the Policy for a full description of each procedure.

### **Procedures for Resolution of Complaints against Students:**

Students victims reporting prohibited conduct, including domestic violence, dating violence, sexual assault, and stalking, are encouraged to follow the reporting procedures outlined in the Policy under Section XIII and included in full in this report under the section “How to Report.” Procedures for reporting are the same for student victims of prohibited conduct, whether Title IX-covered conduct or College-defined sexual misconduct. To reiterate, the College encourages all individuals to immediately seek assistance from law enforcement, public safety, a medical provider, and/or a violence prevention advocate. All Swarthmore community members, even those who are not obligated by this Policy, are strongly encouraged to report information regarding any incident of prohibited conduct to the Title IX coordinator. To the best of its ability, the College will respond to every report it receives. Anonymous or third-party reports may limit the response the College can provide.



Reports are received by the Title IX office through a variety of sources. Typical sources of reports include faculty and staff members designated as “responsible employees” (see Section XIII.B.1.ii in the Policy for more information on responsible employees), resident advisors, friends of the reporting party, or the reporting party directly. Individuals who wish to make a report of prohibited conduct are encouraged to make a report directly to the Title IX coordinator. Although a report may come in through a variety of sources, the College is committed to ensuring that all reports of prohibited conduct are referred to the Title IX coordinator, which ensures consistent application of the Policy to all individuals and allows the College to respond promptly and equitably to eliminate harassment, prevent its recurrence, and reduce its effects.

Upon receipt of a report, the Title IX coordinator or designee will provide resources and support information by contacting the potential complainant (hereafter referred to as the “reporting party”) and offering an initial meeting between the reporting party and the Title IX coordinator or designee (often a deputy Title IX coordinator). The initial meeting is optional and the reporting party may decline. The purpose of the initial meeting is for the Title IX coordinator to gain a basic understanding of the nature and circumstances of the report and assess the need for any supportive measures; it is not a full investigative interview. At this meeting, the reporting party will be provided with information about resources, supportive measures, and resolution options. This information will also be provided in writing for the reporting party.

During the initial meeting, the reporting party is able to bring a support person and is free to share as much or as little information about the underlying incident as they would prefer. The Title IX coordinator or designee(s) will discuss and provide the reporting party with a written explanation of their rights and options, whether the incident occurred on or off campus, including (as applicable):

- The right to report or decline to report the incident to law enforcement if the conduct is potentially criminal in nature. The College is available to assist in this process;
- The right to obtain a Protection from Abuse (PFA) Order from local authorities or request contact restrictions from the College;
- The right and importance of seeking medical treatment to address physical health and to preserve evidence;
- The right to file a complaint through the applicable College resolution procedure;
- The right to request supportive measures, including options for changes in living, academic, transportation, working situations;
- Provide the reporting party with information about on- and off-campus resources, including support options and counseling;
- Explain the College’s policies for confidentiality and prohibiting retaliation , as described in the Policy;
- Explain the difference between confidential and non-confidential resources;
- Obtain the reporting party’s expressed preference for the manner of resolution and assess any barriers to proceeding;
- Provide the reporting party with an explanation of the limitations on the College’s response should the reporting party choose to remain anonymous;
- Provide information about a case manager and information about an advisor of their choice;

- The right to receive an explanation of the formal complaint resolution process and the preponderance of the evidence standard of proof used to resolve the complaint (“more likely than not”);
- The right to be provided a prompt, unbiased, and impartial investigation and resolution; and
- The right to receive an explanation of adaptable remedies and informal resolutions.

The “Campus Sexual Assault Victims’ Bill of Rights” exists as a part of the campus security reporting requirements, commonly known as the Jeanne Clery Act. These rights are published on the Swarthmore College Title IX Office website.

### **Institutional Disciplinary Action in Cases of Student Respondents:**

After a report assessment, the formal complaint process can be initiated by the College. Please note that once a formal complaint process is initiated the terms “complainant” and “respondent” are used to refer to the “reporting party” and “responding party,” respectively.

At any point following the receipt of a formal complaint and before an adjudication, the parties may request consideration of an informal resolution to the complaint. An informal resolution presents the opportunity for the complainant and respondent to reach a resolution without an investigation or hearing. Participation in an informal resolution in lieu of the formal complaint process is purely voluntary.

Informal resolutions are available only when a formal complaint has been filed and the parties agree to its use in writing. Informal resolutions may be used only with the approval of the Title IX coordinator, who may deem its use inappropriate based on the specific allegations involved or other factors. Informal resolutions are available to parties in both Title IX-covered cases and College-defined sexual misconduct cases. Informal resolutions are not available to resolve a student-complainant’s allegations that an employee has engaged in prohibited conduct.

Prior to initiating an informal resolution, the Title IX coordinator will provide the parties with written notice disclosing the allegations, the requirements of the process, the right to withdraw from the informal resolution to pursue the formal complaint process (or resume the formal complaint process), and any consequences of participation (e.g., as it relates to any subsequent formal resolution if informal resolution is not achieved). The outcome of the informal resolution will be documented in an agreement or other form that is signed by both the parties.

Informal resolutions may take many forms as agreed to between the parties and the Title IX coordinator, including, but not limited to, mediation, restorative justice conferences or circles, facilitated dialogue, voluntary non-participation in certain College programs or activities, or any other voluntarily-agreed to forms of resolution.

## Notice of Allegations

In both Title IX-covered and College-defined sexual misconduct cases, the Title IX coordinator will send a notice of allegations to both the complainant and the respondent, providing the parties with written notification of the receipt of a formal complaint. Providing the notice of allegations and initiating an investigation does not necessarily mean that a student conduct adjudication is inevitable or that a complainant must pursue the student conduct process.

The notice of allegations will provide the parties with the following information:

- Copies of the Policy and relevant procedures, including information about the informal resolution option;
- Sufficient detail of the allegations presented in the formal complaint;
- Statement that an investigation is being initiated and the identity of the investigator;
- Statement that the respondent is presumed not responsible for the alleged conduct and that a determination of responsibility is made at the conclusion of the student conduct process;
- Statement that knowingly providing false statements during the formal complaint process may subject the parties to discipline per applicable College policies;
- Inform the parties that they may have an advisor of their choice;
- Identify the case managers that have been assigned to each party;
- Inform the parties that if the investigation reveals additional allegations that may constitute violations of the Policy, the parties will receive a revised notice of allegations.

The College will designate a trained investigator(s) to investigate these reports. All investigators will receive annual training with an emphasis on investigating these complex and sensitive cases.

## Case Managers and Witness Coordinator

The complainant and respondent will each be assigned a separate College-appointed, trained case manager who can help a complainant/respondent navigate through the Policy and relevant procedures. Each party's respective case manager will be identified in the notice of allegations. The complainant/respondent case manager will receive access to case materials and may accompany the student to any meeting related to these procedures, including interviews with the investigator. Each party may request that their respective case manager not attend any meeting related to these procedures.

Witnesses will be assigned a witness coordinator who will offer them assistance in understanding their role as a witness within the Policy. At the discretion of the witness, the witness coordinator may accompany the student to any meeting related to these procedures, including interviews with the investigator. A witness may decline the services of the witness coordinator at any time.

The case manager/witness coordinator may communicate with the complainant/respondent/witness during proceedings in a non-disruptive manner and may ask for short breaks if the complainant/respondent/witness requires some time for composure or to collect thoughts. The case manager/witness coordinator may not delay, disrupt, or otherwise take action to interfere with the integrity

of the meeting except as permitted within these procedures. The case manager/witness coordinator may be required to leave the meeting, if disruptive.

If the complainant/respondent/witness has any questions or concerns about the assignment of their case manager/witness coordinator, they may contact the Title IX coordinator for assistance.

### **Advisor of Choice**

The complainant and respondent have the option to be assisted by an advisor of their choice. The advisor may be any person: friend, mental health professional, certified victim's advocate, attorney, an individual at the College, etc. The advisor cannot be an identified witness or have any conflicting role in the formal complaint process or with a party in the proceedings. The College's duty is to the complainant/respondent, not the advisor.

At the discretion of the complainant or respondent, their respective advisor may accompany the complainant or respondent to any meeting related to these procedures, including interviews with the investigator.

Other than during the cross-examination process in a Title IX case for student respondents, the advisor is expected to be a silent and non-participating observer, except to ask for a short break if the complainant/respondent requires some time for composure or to collect thoughts. The advisor may communicate with the complainant/respondent during proceedings in a non-disruptive manner. The advisor may be required to leave the meeting, if disruptive. The advisor may not delay, disrupt, or otherwise take action to interfere with the integrity of the process.

To serve as an advisor, the individual may be required to meet with the Title IX coordinator, student conduct administrator, the College's legal counsel, or designee in advance of any participation in the formal complaint process.

If the advisor is an attorney or other retained person, the advisor must be retained at the initiative and expense of the complainant/respondent. If the advisor is an attorney, the College's legal counsel may also attend any meeting. An attorney's participation in any meeting will be governed by these restrictions and parameters.

## Investigation

The investigator will conduct a thorough, impartial, and unbiased investigation. All individuals will be treated with compassion and respect and in a manner considerate of individual privacy concerns. An investigation may include multiple meetings with the investigator. An investigation will typically include interviews of the complainant, respondent, witnesses provided by either party with relevant information about the reported incident or discovered during the investigation, and any other individuals who may have relevant information about the reported incident and/or the parties involved. Interviews will typically take no longer than two hours on one day. Should additional time be needed, the investigator and affected party will mutually agree on either rescheduling for another day or extending the length of the interview past two hours. During the investigation process, all those interviewed will have an opportunity to review their own interview summaries for accuracy.

During any interviews with the complainant, respondent, or witnesses, if any deviation from College policy or procedure is suspected, the respective case manager or witness coordinator will have the ability to call for a short break in the proceedings to convene with the investigator to ensure that the proceedings comply with College policy and procedure.

Any deviation from College policy or procedure or concerns with the investigation may be communicated directly to the Title IX coordinator by the complainant, respondent, witness, respective case manager, or witness coordinator.

If, during the course of the investigation, the investigator identifies conduct that may constitute an additional violation under the Policy that was not referenced in the provided notice of allegations, an amended notice of allegations will be issued to the parties.

The investigator may request any available physical or medical evidence and/or documentation from the parties. The investigator may only use medical or psychological records obtained by a party when such records are accompanied by that party's voluntary, written consent. The investigator will seek to obtain relevant communications between the parties, including electronic records, voicemail messages, and/or letters.

The complainant and respondent will have an equal opportunity to participate in the investigation with their case managers, and/or advisors of their choice, provide statements, submit additional information, and/or identify witnesses who may have relevant information. All information and/or materials the parties wish to include in the investigative report or have considered at the adjudication, must be provided to the investigator during the investigation. It is not the burden of the complainant, respondent, witnesses, or other community members to investigate these matters. The investigator is solely responsible for all aspects of the investigation.

The duration of the investigation is strongly influenced by the availability and/or responsiveness of all involved parties, the complexity of the circumstances of the complaint, and the College's academic calendar.



## **Applicability**

The investigation will confirm whether the alleged conduct implicates possible Title IX-covered behavior, College-defined sexual misconduct, or neither. At the conclusion of the investigation, the investigator will provide the investigative material gathered during the investigation to the Title IX coordinator (or designee). The investigative material will include all information gathered during the investigation that is directly related to the allegations raised in the formal complaint. The Title IX coordinator (or designee) will provide access to the investigative material to the parties and their advisors and outline the available resolution options, including informal resolution or a student conduct adjudication.

## **Adjudication**

If a student conduct adjudication is the selected resolution option for either Title IX-covered or College-defined sexual misconduct cases, the student conduct administrator will issue a notice of adjudication to both parties and their respective advisors indicating that a formal charge(s) has been issued by the College. This notice will provide a statement of the policy violation(s) that are alleged to have taken place, a brief description of the facts underlying the allegations, the name of the selected adjudicator and the date scheduled for the adjudication meeting.

The parties, and their advisors, will also receive access to the final investigative report and will both have ten (10) days to review the final investigative report. The final investigative report will include the interview summaries, written statements, and any other documentary information. The final investigative report will not make a finding of responsibility or credibility, though it may include facts bearing on credibility. Any written responses by the complainant or respondent to the final investigative report must be provided to the student conduct administrator and the Title IX coordinator for their consideration. The student conduct administrator and Title IX coordinator will have two (2) days to review the responses and determine if any additional investigation is required. The final investigative report and any responses provided by the parties, together, will be known as the case packet. The parties and the adjudicator will receive the case packet a minimum of four (4) days prior to the date of the adjudication. All information and/or materials the parties wish to include in the investigative report or have considered at the adjudication, must be provided to the investigator during the investigation.

The parties will also be provided the name of the selected adjudicator in the notice of adjudication. The parties may submit a written request to the student conduct administrator to contest the adjudicator. Such written requests must present reasonable, articulable grounds to suspect bias, conflict of interest, or an inability to be impartial on the part of the adjudicator. This challenge must be raised within four (4) business days of receipt of the notice of adjudication. All objections must be raised prior to the commencement of the adjudication. The student conduct administrator will make the determination within two (2) business days whether to seek an alternative adjudicator.

After reviewing the case packet, the external adjudicator will have an opportunity to meet with the investigator, complainant, and respondent. The adjudicator may also request to meet with identified witnesses, as described below. The meetings are not designed to reinvestigate the facts collected in the investigative report, but instead to assist the adjudicator in making a determination based on the evidence

collected during the investigation. These meetings allow the adjudicator to ask questions they may have, to allow the complainant and respondent to make any statements they deem appropriate, and evaluate the credibility of the parties and witnesses. The adjudication meetings may be held in person or virtually using audio and audiovisual technology.

Should they choose to participate in the adjudication meeting, the complainant and respondent will meet separately with the adjudicator. A complainant or respondent may request to participate remotely in their own adjudication meeting. Any proposed alternative method of participation must be reviewed in advance by the student conduct administrator to ensure that it is consistent with the goals of an impartial and equitable process.

During all other meetings, the complainant and respondent will have the opportunity to listen remotely to the adjudication meetings of the other party, the investigator, and any witnesses. The student conduct administrator will work with each party's case manager to arrange the space and technological needs.

If a party misses the adjudication meeting for any non-emergency or non-compelling reason, the adjudication may proceed 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 adjudication under the Policy, for non-medical or non-disability-related reasons, the student must go through the re-admission process coordinated by the division of student affairs and the case must typically be adjudicated prior to the student's re-admission to the College.

Adjudication meetings are closed and not open to the public. The adjudicator will meet with the complainant and respondent individually along with their respective advisor and/or case manager. The adjudicator may also choose to meet with witnesses individually with their witness coordinator. The student conduct administrator will attend all meetings, and the College's attorney may also be present.

## **Duration**

Adjudication meetings will typically conclude within one (1) day. Throughout an adjudication meeting, either party may request short breaks. The case managers, witness coordinator, and/or advisor of choice may request a short break on behalf of the individuals involved, which must be directed to either the adjudicator and/or the student conduct administrator. Additionally, the student conduct administrator will call for short breaks at regular intervals throughout the student conduct process.

Parties and other individuals who offer information at adjudication meetings are expected to respond honestly and to the best of their knowledge. A complainant, respondent, or witness who intentionally provides false or misleading information may be subject to discipline under the student code of conduct.

At times, the 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.

## **Cross-Examination in Title IX Adjudication Meetings**

At the adjudication meeting, each party's advisor will be permitted to ask the other party and any witnesses relevant questions and follow-up questions. Cross-examination properly conducted constitutes a procedure by which each party and witness answers questions posed from a party's unique perspective in an effort to advance the asking party's own interests. This cross-examination will be conducted directly, orally, and in real time by the party's advisor and never by the party personally. If a party or witness does not submit to cross-examination at the adjudication meeting, the adjudicator must not rely on any statement of that party or witness in reaching a determination of responsibility. However, the adjudicator cannot draw an inference about the determination of responsibility based solely from the party's or witness's absence from the adjudication meeting or refusal to answer cross-examination questions.

## **Limitations of Cross-Examination in Title IX Adjudication Meetings**

Before a party or witness answers a question from an advisor, the adjudicator will first determine whether the question is relevant. If the adjudicator determines a question is not relevant, the adjudicator will explain their decision to exclude the question.

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant other than in two limited situations:

- Such questions or evidence are permitted to provide that someone other than the respondent committed the conduct alleged by the complainant; or
- Such questions or evidence are permitted if they concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

A party or witness's medical or psychological records may be the basis of cross-examination questions only if the party/witness has provided voluntary, written consent to include such records in the formal Title IX complaint process.

## **Title IX Adjudication Meeting Agenda**

- The student conduct administrator will begin the meeting and explain the process and introduce meeting attendees. Prior to beginning the adjudication, the student conduct administrator will offer to meet with all parties to answer any procedural questions.
- Generally, the investigator will provide a summary of the investigation. The adjudicator, and the complainant or respondent, through their advisors, may ask the investigator relevant questions at the conclusion of the investigator's summary.
- The complainant may meet with the adjudicator. The adjudicator may pose relevant questions to the complainant; the respondent, through their advisor, may engage in cross-examination of the complainant.
- The respondent may meet with the adjudicator. The adjudicator may pose relevant questions to the respondent; the complainant, through their advisor, may engage in cross-examination of the respondent.

- The adjudicator may meet with relevant witnesses. The adjudicator may pose relevant questions to the witness(es); the parties, through their advisors, may engage in cross-examination of the witness(es).
- The adjudicator may call back any participant for additional questions or clarifications.
- At the conclusion of the adjudication meeting, the complainant and respondent may address final remarks to the adjudicator if they choose to do so. The parties may submit a written impact statement to the student conduct administrator that will only be considered at the sanctioning phase should the respondent be found responsible for violating the Policy.

### **College-Defined Sexual Misconduct Adjudication Meeting Agenda:**

- The student conduct administrator will begin the meeting and explain the process and introduce meeting attendees. Prior to beginning the adjudication, the student conduct administrator will meet with all parties to answer any procedural questions.
- Generally, the investigator will provide a summary of the investigation. The adjudicator, and the complainant or respondent, through the adjudicator, may make brief inquiries of the investigator at the conclusion of the summary.
- The complainant may meet with the adjudicator. The adjudicator and the respondent, through the adjudicator, may pose questions to the complainant.
- The respondent may meet with the adjudicator. The adjudicator and the complainant, through the adjudicator, may pose questions to the respondent.
- The adjudicator may meet with relevant witnesses. The adjudicator will question the called witness and provide the complainant or respondent an opportunity to pose questions through the adjudicator.
- The adjudicator may call back any participant for additional questions or clarifications.
- At the conclusion of the adjudication meeting, the complainant and respondent may submit a written impact statement to the student conduct administrator that will only be considered at the sanctioning phase should the respondent be found responsible for violating the Policy.

### **Deliberation**

After the adjudicator has met with all relevant parties, the adjudicator will conclude the adjudication and move to deliberation. The student conduct administrator will support deliberations by offering clarifications of the Policy or providing any other appropriate information requested by the adjudicator. The adjudicator will make a decision, using a preponderance of the evidence standard, to determine if there were any violations of the Policy.

The adjudicator will provide the student conduct administrator a written summary of the findings, which will be included in the outcome letter. The summary will detail the findings of facts and determination of responsibility.

The adjudicator will determine a respondent's responsibility by a preponderance of the evidence. This means that the adjudicator will decide whether it is "more likely than not," based upon the information provided in the case packet and through the adjudication meeting, that the respondent is responsible for the

alleged violation(s). A not responsible finding means that the evidence presented did not meet the standard necessary to determine responsibility.

## Sanctions

If the adjudicator finds a student, group, or organization responsible for a violation of the Policy, the adjudicator and the student conduct administrator (together, the sanctioning body) will determine the appropriate sanction(s). Sanctions can only be made against a respondent after a finding of responsibility is reached. The sanctioning body may issue a single sanction or a combination of sanctions.

In considering the appropriate sanction within the recommended outcomes, the sanctioning body will consider the following factors together with any impact statements provided from the complainant and/or respondent:

- the respondent's prior discipline history;
- how the College has sanctioned similar incidents in the past;
- the nature and violence of the conduct at issue;
- the impact of the conduct on the complainant, and their desired sanctions, if known;
- the impact of the conduct on the community, its members, or its property;
- whether the respondent has accepted responsibility;
- whether the respondent is reasonably likely to engage in the conduct in the future;
- any other mitigating or aggravating circumstances, including the College's values;
- the respondent's optional good faith participation in adaptable remedies/informal resolutions during the report, complaint, and investigation portions of the resolution process.

The sanctioning body may consider remedial actions and/or additional steps that may be taken to address and resolve any incident of discrimination or harassment and to prevent the recurrence of any discrimination and/or retaliation, including strategies to protect participants from retaliation; provide counseling for the parties; other steps to address any impact on the community; and any other necessary steps reasonably calculated to prevent future occurrences of harassment.

If a sanction includes suspension, the respondent is subject to the re-admission process as described in the student handbook. Prior to re-admission, the complainant will be notified by the student conduct administrator or their designee.

The College reserves the right to impose other reasonable sanctions or to combine sanctions as it deems appropriate. Sanctions include:

- **Warning** —A written notification that a violation of the Policy 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 Policy. Probation is for a designated period of time and includes the probability of more severe sanctions, if found responsible for additional violations of the student code of conduct or the Policy, including suspension or expulsion from the College. Notification of probation is considered a change in status and will normally be sent to parents or guardians. As a result of a change in status, a student who is placed on probation is not considered to be in good standing at the College during their period of probation.
- **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. Suspended students are required to comply with the College's re-admission process prior to being eligible for re-enrollment. 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 additional violations of the student code of conduct or the Policy. Notification of suspension will normally be sent to guardians or parents, as it results in a change of status. As a result of a change in status, a student who is suspended is not considered to be in good standing at the College during their period of suspension.
- **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 guardians or parents, as it results in a change of status. Expulsion may be particularly appropriate if the College has determined that the respondent has engaged in the same or similar conduct and/or has been found in violation of the Policy in the past.
- **Loss of Privileges** —Denial of the use of certain College facilities or the right to participate in certain activities, events, programs or to exercise certain privileges for a designated period of time. This includes contact restrictions, denial of ability to represent the College in an official capacity, and/or organizational sanctions.
- **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.
- **Educational Requirements/Referrals** —The College reserves the right to impose counseling or substance assessments or other required educational sanctions.

## Notice of Outcome

The student conduct administrator will communicate the outcome of the adjudication to the respondent and the complainant at the same time. The notice will be in writing and will include notification of appeal options. Generally, the outcome of the adjudication will be communicated to the parties within five (5) business days from the date of the conclusion of the adjudication meeting.

- If the respondent has been found responsible for a violation under the Policy, 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.

## Appeals

Either party may appeal the determination of responsibility or sanction(s) in writing to the vice president for student affairs or designee. The appeal must be filed within five (5) business days of receiving the written notice of outcome. Dissatisfaction with the outcome of the adjudication is not grounds for appeal. The limited grounds for appeal are as follows:

- new evidence that would affect the finding of the adjudication and that was unavailable at the time of investigation;
- procedural error(s) that had a material impact on the outcome; or
- 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 vice president for student affairs 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 two (2) business days from receipt of the appeal.

The appeal consideration will be conducted in an impartial manner by the vice president for student affairs (or designee). 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 vice president for student affairs 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 adjudication. The vice president for student affairs can affirm the original findings, alter the findings, and/or alter the sanctions, depending on the basis of the requested appeal.

In the case of new and relevant information, the vice president for student affairs can recommend that the case be returned to the original adjudicator to assess the weight and effect of the new information and render a determination after considering the new facts.

If the appeal is granted based on procedural error(s) that materially affected the outcome of the adjudication, the vice president for student affairs may return the case to the adjudicator for additional review or forward the case for a new adjudication, which may be heard by an alternate adjudicator if the vice president for student affairs finds that to be appropriate.

Absent extenuating circumstances, the vice president for student affairs will simultaneously and in writing communicate the result of the appeal to the complainant and respondent within three (3) business days from the date of the submission of all appeal documents by both parties. Appeal decisions are final.

## **Procedures for Resolution of Complaints against Faculty and Staff:**

As outlined in the Reporting section of the Policy, any individual who wishes to make a report of prohibited conduct is encouraged to make a report directly to the Title IX coordinator. In every report of prohibited conduct, the Title IX coordinator, through the coordinated efforts of the Title IX team, will conduct an initial report assessment. At the conclusion of the report assessment, if appropriate, the report will be referred for either adaptable remedy or investigation. Adaptable remedy does not involve disciplinary action against a responding party. An investigation gathers the facts of the case and this information is used to determine whether a violation of the Policy is more likely than not to have occurred based on a preponderance of the evidence standard. A determination of a policy violation will result in College action leading to disciplinary measures up to and including dismissal.

Supportive measures will be offered and may be used to ensure the integrity of any stage of the process and to protect the safety of all parties and the College community. College employees can also seek confidential assistance, which does not constitute notice to the College, through Carebridge, the College's Employee Assistance Program. Carebridge is available 24 hours a day, 7 days a week by calling 1-800-437-0911. For other supportive and confidential resources, please check the Policy.

Upon receipt of a report under the Policy, the Title IX coordinator, through the coordinated efforts of the Title IX team, will conduct a timely initial assessment. The Title IX team is flexible in composition based on the relationship of the parties to the College (student, staff, faculty), and the Title IX coordinator is responsible for assembling the Title IX team. All members of the Title IX team are trained in policy and procedure. When a member of the faculty is involved, the Title IX team will include the provost or designee. Depending on the relationship of the parties to the College (student, staff, faculty, or other) and the nature of the circumstances of the report, the Title IX coordinator will consult with others as appropriate, such as the director of equal opportunity (a deputy Title IX coordinator) when assessing a report that also involves an implication of harassment based upon other protected classes or has other employment implications. In all cases, the team will be limited in number and information will only be shared on a "need to know" basis.

The report assessment is designed to carry out the goals of Title VII (as it applies to discrimination based on sex), Title IX, the relevant portions of the Clery and the Violence Against Women Acts, and College policy. The first step of the assessment will usually be a preliminary meeting between the reporting party and the Title IX coordinator or another 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 fact-

gathering interview. At this meeting, the reporting party will be provided with information about resources, procedural options, and supportive measures. During this initial review, based on the information available at that time, the Title IX team member(s) will make an assessment of the safety of the individual and of the campus community.

The Title IX team will also consider the interest of the reporting party and their expressed preference for the manner of resolution. Where possible and as warranted by an assessment of the facts and circumstances, the College will seek to proceed in a manner consistent with the reporting party's request.

As part of the initial assessment of the facts, the Title IX coordinator, in collaboration with the Title IX team, will:

- assess the nature and circumstances of the allegation;
- address immediate physical safety and emotional well-being of the reporting party;
- provide the reporting party with a written explanation of their rights and options, including:
  - the right to report, or decline to report, the incident to law enforcement if the conduct is potentially criminal in nature. The College has personnel who are available to assist in this process;
  - the right to obtain a “no-contact directive” from the College;
  - the right to and importance of seeking medical treatment to address physical health and to preserve evidence;
  - the right to file a complaint through the applicable internal complaint resolution process, to receive an explanation of the process and of the obligation to provide a prompt, fair, and impartial investigation and resolution, and to receive an explanation of the potential remedies for victims, potential remedies for the College community, and possible sanctions against responding parties;
  - notify the reporting party of the range of interim measures and remedies, including options for changes in living, academic, transportation, working situations;
  - provide the reporting party with information about on- and off-campus resources, including support options;
  - obtain the reporting party's expressed preference for the manner of resolution and assess any barriers to proceeding;
  - share that each party is entitled to have an advisor of their own choosing, as desired;
  - determine if concerns exist for discrimination or harassment based on other protected classes;
  - explain the College's policies for confidentiality and prohibiting retaliation, as described in the Policy;
  - assess the reported conduct for the need for a timely warning under federal law;
  - determine if pattern evidence or other similar conduct by responding party exists;
  - enter non-identifying information about the report into the College's daily crime log if the report includes a Clery-reportable crime.

In cases involving a faculty member, the Title IX coordinator will consult with the provost, who will determine if any issues of academic freedom are involved. In cases where academic freedom is at issue, the provost (or designee) will confer with the Committee on Faculty Procedures to determine how academic freedom should factor into a Title IX assessment, as described in the Special Provisions for Faculty section of the full procedures.

The Title IX team will take all reasonable steps to respond to a complaint consistent with a reporting party's requested outcome, but its ability to do so may be limited based on the nature of their request. Where a reporting party requests that a name or other identifiable information not be shared with the responding party or that no formal action be taken, the College will balance this request with its responsibility to provide a safe and non-discriminatory environment for all College community members and to afford a responding party a balanced and impartial process.

In the event that a reporting party does not wish to proceed with formal action, the Title IX coordinator, in consultation with the Title IX team as necessary, will decide, based on the available information, whether additional steps are appropriate. In making this decision, the Title IX team will consider, among other factors, whether the reporting party has requested confidentiality; whether the reporting party wants to participate in additional steps; the severity and impact of the sexual misconduct; the respective ages of the parties, including whether the reporting party is a minor under the age of 18; whether the responding party has admitted to the prohibited conduct; whether the responding party has a pattern of committing such conduct; the existence of independent evidence; the extent of prior remedial methods taken with the responding party; and any legal obligation to proceed based on the nature of the conduct.

At the conclusion of the report assessment, the Title IX coordinator, in collaboration with the Title IX team, will determine whether or not to refer the report for adaptable remedy or for investigation to determine whether to pursue disciplinary action. This determination will be communicated to the reporting party in writing. The Title IX coordinator or a member of the Title IX team will discuss the determination with the reporting party and provide information to assist in understanding available resources and procedural options.

The responding party will be notified in writing when the College seeks action that would impact a responding party, such as protective measures that restrict the responding party's movement on campus, the initiation of an investigation or the decision to involve the responding party in an adaptable remedy.

The College will inform the reporting party and the responding party that retaliation is prohibited by law and College policy and that the College will take strong responsive action to protect the safety of any individual. Retaliation will not be tolerated and will result in disciplinary action.



## **Institutional Disciplinary Action in Cases of Employee Respondents:**

After a report assessment, the formal complaint process for either Title IX-covered or College-defined sexual misconduct can be initiated by the College. Please note that once a formal complaint process is initiated the terms “complainant” and “respondent” are used to refer to the “reporting party” and “responding party,” respectively.

Where the report assessment concludes that an investigation is appropriate, the College will initiate such an investigation. The College may designate an investigator of its choosing, provided that the investigator has specific training and experience investigating allegations of prohibited conduct. Any investigator chosen to conduct or assist with the investigation must be impartial and free of any conflict of interest. The complainant and respondent will receive a written notice of investigation, including a statement of the allegation, when the investigation is initiated.

The investigator(s) will conduct the investigation in a manner appropriate in light of the circumstances of the case. The first step of an investigation will usually be an interview of the complainant by the designated investigator(s). The investigator(s) will coordinate the gathering of information from the complainant, the respondent, and any other individuals who may have information relevant to the determination. As part of the investigation, the College will provide an opportunity for the parties to present statements, witnesses, and other evidence. The investigator(s) will also gather any available physical or medical evidence, including documents, communications between the parties, and other electronic records as appropriate. The complainant and respondent will have an equal opportunity to be heard, to present relevant information to the investigator(s), 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 sensitivity and respect. As described in the Policy, the investigation will be conducted in a manner that is respectful of individual privacy concerns. For complaints against a faculty member that involve conduct in their instructional role, or educational content within a College program, issues of academic freedom will be fully considered and explored.

### **Duration**

The investigation will usually be completed within 30 (thirty) business days of the notice of investigation, but this time frame may be extended for good cause depending on the complexity of the circumstances of each case. The duration of the investigation is strongly influenced by the availability and/or responsiveness of all involved parties, the complexity of the circumstances of the complaint, and the College’s academic calendar.

### **Applicability**

The investigation will confirm whether the alleged conduct implicates possible Title IX-covered behavior, College-defined sexual misconduct, or neither.

## **Investigation**

During the investigation, the complainant and respondent will be given the opportunity to review their own statement and interview summaries for accuracy. At the conclusion of the investigation, the investigator will provide the investigative material gathered during the investigation to the Title IX coordinator (or designee). The investigative material will include all information gathered during the investigation that is directly related to the allegations raised in the formal complaint. The Title IX coordinator (or designee) will provide access to the investigative material to the parties and their advisors and outline the available resolution options.

Written responses to the investigative materials may include clarifications to the party's own interview statements or requests for additional investigation. The written responses will be provided to the investigator for their consideration prior to their submission of the Final Investigative Report. The investigator will have three (3) days to review the responses and determine if additional investigation is necessary. If additional investigation is necessary, the Title IX coordinator will provide notice to the parties.

After assessing the written responses and making any necessary clarifications, the investigator will provide the final investigative report to the Title IX coordinator.

## **Adjudication and Disciplinary Action in Title IX Cases for Faculty**

The adjudication process for prohibited conduct complaints is an administrative process and is not subject to the same standards as a court of law. Rules of evidence ordinarily found in legal proceedings will not apply.

If an adjudication is the selected resolution option, the Title IX coordinator will issue a Notice of Adjudication to both parties and their respective advisors. This Notice will provide a statement of the policy violation(s) that are alleged to have taken place, a brief description of the facts underlying the allegations, the name of the selected adjudicator(s), and the date scheduled for the adjudication meeting.

## **Advisors in Title IX Adjudications for Faculty**

The complainant and respondent have the option to be assisted by an advisor of their choice. The advisor may be any person: friend, mental health professional, certified victim's advocate, attorney, an individual at the College, etc. The College's duty is to the complainant/respondent, not the advisor.

Provided the selected advisor agrees to serve in this capacity, the individual may be required to meet with the Title IX coordinator, the College's legal counsel, or designee(s) in advance of any participation in the formal complaint process.

If the advisor is an attorney or other retained person, the advisor must be retained at the initiative and expense of the complainant/respondent. If the advisor is an attorney, the College's legal counsel may also attend any meeting. An attorney's participation in any meeting will be governed by these restrictions and parameters.

If a party has not identified an advisor of choice by the time that the Notice of Adjudication is provided to the parties, the College will provide an advisor to the party/parties for the purpose of cross-examination during the adjudication.

At the discretion of the complainant or respondent, their respective advisor may accompany the complainant or respondent to any meeting related to these procedures, including interviews with the investigator. The cross-examination of the parties and witnesses during the adjudication is conducted by the advisors. Other than during the cross-examination process, the advisor is expected to be a silent and non-participating observer, except to ask for a short break if the complainant/respondent requires some time for composure or to collect thoughts. The advisor may communicate with the complainant/respondent during proceedings in a non-disruptive manner. The advisor may be required to leave the meeting, if disruptive. The advisor may not delay, disrupt, or otherwise take action to interfere with the integrity of the process.

### **Title IX Investigations for Faculty**

The parties, and their advisors, will also receive access to the final investigative report and they will both have ten (10) days to review the final investigative report. The final investigative report will include the interview summaries, written statements, and any other documentary information. The final investigative report will not make a finding of responsibility or credibility, though it may include facts bearing on credibility. Any written responses by the complainant or respondent to the final investigative report must be provided to the Title IX coordinator for their consideration. The Title IX coordinator will have two (2) days to review the responses and determine if any additional investigation is required. The final investigative report and any responses provided by the parties, together, will be known as the case packet. The parties and the adjudicator(s) will receive the case packet a minimum of ten (10) days prior to the date of the adjudication. All information and/or materials the parties wish to include in the investigative report or have considered at the adjudication, must be provided to the investigator during the investigation.

### **Title IX Adjudications for Faculty**

The deputy Title IX coordinator for faculty facilitates the faculty adjudication process. A three-member faculty panel appointed from a standing body trained in sexual misconduct issues, policy, and procedure serves as the adjudicator. The Title IX Coordinator may also appoint a process expert to advise the panel on the issues involved and also make relevance determinations during the cross-examination portion of the adjudication meeting. The process expert will be tasked with supporting the faculty panel in their role as the adjudicators, but will not be a decision-maker of the responsibility determination.

After reviewing the case packet, the hearing panel and process expert will have an opportunity to meet with the investigator, complainant, respondent, and identified witnesses. The meetings are not designed to reinvestigate the facts collected in the investigative report, but instead to assist the hearing panel in making a determination based on the evidence collected during the investigation. These meetings allow the hearing panel to ask questions they may have, to allow the complainant and respondent to make any statements they deem appropriate, and evaluate the credibility of the parties and witnesses. The adjudication meetings may be held in person or virtually using audio and audiovisual technology. The College will create an audio recording of the adjudication meeting and make it available to the parties for their reasonable inspection and review.

## **Cross-Examination in Title IX Adjudications for Faculty**

At the adjudication meeting, each party's advisor will be permitted to ask the other party and any witnesses relevant questions and follow-up questions. Cross-examination properly conducted constitutes a procedure by which each party and witness answers questions posed from a party's unique perspective in an effort to advance the asking party's own interests.

This cross-examination will be conducted directly, orally, and in real time by the party's advisor and never by the party personally. If a party or witness does not submit to cross-examination at the adjudication meeting, the adjudicator must not rely on any statement of that party or witness in reaching a determination of responsibility. However, the hearing panel cannot draw an inference about the determination of responsibility based solely from the party's or witness's absence from the adjudication meeting or refusal to answer cross-examination questions.

## **Limitations of Cross-Examination in Title IX Adjudications for Faculty**

- Before a party or witness answers a question from an advisor, the process expert will first determine whether the question is relevant. If the process expert determines a question is not relevant, the process expert will explain their decision to exclude the question.
- Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant other than in two limited situations:
  - Such questions or evidence are permitted to provide that someone other than the respondent committed the conduct alleged by the complainant; or
  - Such questions or evidence are permitted if they concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

A party or witness's medical or psychological records may be the basis of cross-examination questions only if the party/witness has provided voluntary, written consent to include such records in the formal Title IX complaint process.

## **Determination in Title IX Adjudications for Faculty**

The hearing panel, in consultation with the process expert, will determine, by a preponderance of the evidence whether the Policy has been violated. The preponderance of the evidence standard means that it is "more likely than not" that the respondent violated this policy. The hearing panel will provide the Title IX coordinator and the provost (or designee) a written summary of the findings, which will be included in the outcome letter. The summary will detail the findings of facts and determination of responsibility.

## **Sanctions in Title IX Adjudications for Faculty**

If there is a finding of a policy violation, the provost (or designee) will act as the disciplinary authority. In all cases, the disciplinary authority will consult with the vice president of human resources or designee, the Title IX coordinator or designee, the director of equal opportunity, and/or other relevant administrator, as appropriate when determining the appropriate sanction. The disciplinary authority will impose a sanction designed to eliminate the harassment or hostile environment, prevent its recurrence, and remedy its effects,

while supporting the College's educational mission and Title IX obligations and ensuring fundamental fairness. Sanctions or interventions may also serve to promote safety or deter individuals from similar future behavior.

When deciding upon the sanction, the disciplinary authority may request that the parties and other affected individuals, as appropriate, voluntarily provide a written impact statement for consideration. The disciplinary authority may impose any sanction deemed appropriate after a consideration of all of the relevant information. In considering the appropriate sanction, the disciplinary authority 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 College property; (6) whether the respondent is reasonably likely to engage in the conduct in the future; (7) the need to deter similar conduct by others; (8) the College's values and community standards; and (9) any other mitigating or aggravating circumstances. Absent compelling justifications, if the respondent engages in a pattern of the same or similar conduct, the recommended sanction will be termination.

The sanction may include any form of responsive action or progressive discipline, including training, referral to counseling, any of the remedies described in these procedures as adaptable remedies, and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension or termination.

### **Notice of Outcome in Title IX Adjudications for Faculty**

The disciplinary authority will give the parties a written Notice of Outcome, which will include a rationale of whether the respondent violated the College policy. The disciplinary authority will give the parties the Notice of Outcome within twenty (20) days of the beginning of the adjudication.

If a policy violation was found, the Notice of Outcome will also provide the respondent written notice of any sanctions and any other interventions, the date by which the requirements must be satisfied (if applicable), and the consequences of failure to satisfy the requirements. At the same time, the complainant will be notified in writing of any sanctions and any other interventions that directly relate to the complainant, including information about the respondent's presence on campus (or in a shared working environment) that may help a complainant make informed decisions.

The imposition of sanctions will take effect immediately and any disciplinary action against a respondent will be promptly initiated by the disciplinary authority.

### **Reconsideration in Title IX Adjudications for Faculty**

Either party may request reconsideration of the determination of responsibility or sanction(s) in writing to the Title IX coordinator. The request must be filed within five (5) business days of receiving the Notice of Outcome.

The Title IX Coordinator will share the request for reconsideration with the Committee on Faculty Procedures (COFP). The complainant and/or respondent may only request reconsideration of the parts of



the determination or sanctions directly relating to them. Dissatisfaction with the determination is not grounds for reconsideration. The limited grounds for reconsideration are as follows:

- new evidence that would affect the determination and that was unavailable at the time of investigation;
- procedural error(s) that had a material impact on the outcome; and
- the sanctions imposed were grossly disproportionate to the violation committed.

The request for reconsideration shall consist of a plain, concise, and complete written statement outlining the ground(s) for the reconsideration. Upon receipt of a request for reconsideration, the Title IX coordinator will notify both parties. Each party has an opportunity to respond in writing to the request for reconsideration. Any response to the request must be submitted within five (5) days from receipt of the request for reconsideration.

In any request for reconsideration, the burden of proof lies with the party requesting the reconsideration, as the original determination and sanction are presumed to have been decided reasonably and appropriately. The reconsideration is not a new review of the underlying matter. The president's staff member shall consider the merits of reconsideration only on the basis of the three (3) limited grounds for reconsideration.

Depending on the complexity of the circumstances or the need for additional expertise, the Title IX Coordinator may also provide the COFP with the process expert to advise on the issues involved. The COFP can require supplemental investigation of relevant new information, affirm or alter the original determination of responsibility, affirm or alter the sanction(s), or require readjudication of the allegation.

The COFP will communicate the result of the reconsideration to the complainant and respondent within fifteen (15) days from the last date of the submission of all reconsideration documents by the parties. Reconsideration decisions are final and are not subject to further review.

## **Adjudication and Disciplinary Action in Title IX Cases for Staff**

The deputy Title IX coordinator for staff facilitates the staff adjudication process. An external adjudicator will be retained to act as the adjudicator during the adjudication meeting. After reviewing the case packet, the external adjudicator will have an opportunity to meet with the investigator, complainant, and respondent. The adjudicator may also request to meet with identified witnesses. The meetings are not designed to reinvestigate the facts collected in the investigative report, but instead to assist the adjudicator in making a determination based on the evidence collected during the investigation. These meetings allow the adjudicator to ask questions they may have, to allow the complainant and respondent to make any statements they deem appropriate, and evaluate the credibility of the parties and witnesses. The adjudication meetings may be held in person or virtually using audio and audiovisual technology. The College will create an audio recording of the adjudication meeting and make it available to the parties for their reasonable inspection and review.

## **Cross-Examination in Title IX Adjudications for Staff**

At the adjudication meeting, each party's advisor will be permitted to ask the other party and any witnesses relevant questions and follow-up questions. Cross-examination properly conducted constitutes a procedure by which each party and witness answers questions posed from a party's unique perspective in an effort to advance the asking party's own interests. This cross-examination will be conducted directly, orally, and in real time by the party's advisor and never by the party personally. If a party or witness does not submit to cross-examination at the adjudication meeting, the adjudicator must not rely on any statement of that party or witness in reaching a determination of responsibility. However, the adjudicator cannot draw an inference about the determination of responsibility based solely from the party's or witness's absence from the adjudication meeting or refusal to answer cross-examination questions.

## **Limitations of Cross-Examination in Title IX Adjudications for Staff**

- Before a party or witness answers a question from an advisor, the adjudicator will first determine whether the question is relevant. If the adjudicator determines a question is not relevant, the adjudicator will explain their decision to exclude the question.
- Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant other than in two limited situations:
  - Such questions or evidence are permitted to provide that someone other than the respondent committed the conduct alleged by the complainant; or
  - Such questions or evidence are permitted if they concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

A party or witness's medical or psychological records may be the basis of cross-examination questions only if the party/witness has provided voluntary, written consent to include such records in the formal Title IX complaint process.

## **Determination in Title IX Adjudications for Staff**

The adjudicator shall determine, by a preponderance of the evidence whether the Policy has been violated. The preponderance of the evidence standard means that it is "more likely than not" that the respondent violated this policy. The adjudicator will provide the Title IX coordinator and the respondent's supervisor a written summary of the findings, which will be included in the outcome letter. The summary will detail the findings of facts and determination of responsibility.

## **Sanctions in Title IX Adjudications for Staff**

If there is a finding of a policy violation, the respondent's supervisor will act as the disciplinary authority. In all cases, the disciplinary authority will consult with the vice president of human resources or designee, the Title IX coordinator or designee, the director of equal opportunity, and/or other relevant administrator, as appropriate when determining the appropriate sanction.

The disciplinary authority will impose a sanction designed to eliminate the harassment or hostile environment, prevent its recurrence, and remedy its effects, while supporting the College's educational mission and Title IX obligations and ensuring fundamental fairness. Sanctions or interventions may also serve to promote safety or deter individuals from similar future behavior.

When deciding upon the sanction, the disciplinary authority may request that the parties and other affected individuals, as appropriate, voluntarily provide a written impact statement for consideration.

The disciplinary authority may impose any sanction deemed appropriate after a consideration of all of the relevant information. In considering the appropriate sanction, the disciplinary authority 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 College property; (6) whether the respondent is reasonably likely to engage in the conduct in the future; (7) the need to deter similar conduct by others; (8) the College's values and community standards; and (9) any other mitigating or aggravating circumstances. Absent compelling justifications, if the respondent engages in a pattern of the same or similar conduct, the recommended sanction will be termination.

The sanction may include any form of responsive action or progressive discipline, including training, referral to counseling, any of the remedies described in these procedures as adaptable remedies, and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension or termination.

### **Notice of Outcome in Title IX Adjudications for Staff**

The disciplinary authority will give the parties a written Notice of Outcome, which will include a rationale of whether the respondent violated the College policy. The disciplinary authority will give the parties the Notice of Outcome within fifteen (15) days of the beginning of the adjudication.

If a policy violation was found, the Notice of Outcome will also provide the respondent written notice of any sanctions and any other interventions, the date by which the requirements must be satisfied (if applicable), and the consequences of failure to satisfy the requirements. At the same time, the complainant will be notified in writing of any sanctions and any other interventions that directly relate to the complainant, including information about the respondent's presence on campus (or in a shared working environment) that may help a complainant make informed decisions.

The imposition of sanctions will take effect immediately and any disciplinary action against a respondent will be promptly initiated by the disciplinary authority.

### **Reconsideration for Title IX Adjudications for Staff**

Either party may request reconsideration of the determination of responsibility or sanction(s) in writing to the Title IX coordinator. The request must be filed within five (5) business days of receiving the Notice of Outcome.

Prior to the reconsideration, the parties will have the opportunity to present any grounds to suspect that the relevant president's staff member has a bias, conflict of interest, or an inability to be fair and impartial.

The Title IX Coordinator will share the request for reconsideration with the relevant president's staff member or designee.

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

- new evidence that would affect the determination and that was unavailable at the time of investigation;
- procedural error(s) that had a material impact on the outcome; and
- the sanctions imposed were grossly disproportionate to the violation committed.

The request for reconsideration shall consist of a plain, concise, and complete written statement outlining the ground(s) for the reconsideration. Upon receipt of a request for reconsideration, the Title IX coordinator will notify both parties.

Each party has an opportunity to respond in writing to the request for reconsideration. Any response to the request must be submitted within five (5) days from receipt of the request for reconsideration.

In any request for reconsideration, the burden of proof lies with the party requesting the reconsideration, as the original determination and sanction are presumed to have been decided reasonably and appropriately. The reconsideration is not a new review of the underlying matter. The president's staff member shall consider the merits of reconsideration only on the basis of the three (3) limited grounds for reconsideration. Depending on the complexity of the circumstances or the need for additional expertise, the Title IX Coordinator may also appoint a resource expert to advise the president's staff member on the issues involved. The president's staff member can require supplemental investigation of relevant new information, affirm or alter the original determination of responsibility, affirm or alter the sanction(s), or require readjudication of the allegation.

The president's staff member will communicate the result of the reconsideration to the complainant and respondent within ten (10) days from the last date of the submission of all reconsideration documents by the parties. Reconsideration decisions are final and are not subject to further review.

## **Adjudication and Disciplinary Action in College-Defined Sexual Misconduct (CDSM) Cases for Faculty**

For faculty members, a three-member faculty panel appointed from a standing body trained in sexual misconduct policy and procedure serves as the adjudicator, and the provost or designee serves as the disciplinary authority. The deputy Title IX coordinator for faculty facilitates the faculty adjudication process.

If the provost is the respondent, the president will serve as the disciplinary authority. If the president is the respondent, the Chair of the Board of Managers (or designee) will serve as the disciplinary authority.

### **Advisors in CDSM Adjudications for Faculty**

The complainant and respondent have the option to be assisted by an advisor of one's choice, provided the person is available and willing to serve in this role. If the advisor is an attorney or other retained person, the advisor must be retained at the initiative and expense of the party. If the advisor is an attorney, the College's attorney may also attend any meeting. An attorney's participation in the meeting or proceeding will be governed by the same restrictions that apply to advisors.

The advisor cannot be an identified witness or have any conflicting role in the process or with a party in the proceedings. The College's duty is to the complainant and respondent, not the advisor. All communication is made directly with the complainant/respondent, who can share information with their advisor, at their discretion. At the discretion of the complainant or respondent, the advisor may accompany the complainant or respondent to any meeting related to these procedures. The advisor is expected to be a silent and non-participating observer, except to ask for a short break if the complainant/respondent requires some time for composure or to collect thoughts. The advisor may communicate with the complainant/respondent during proceedings in a non-disruptive manner. The advisor may not delay, disrupt, or otherwise take action to interfere with the integrity of the meeting. The advisor may be required to leave the meeting if disruptive.

To serve as an advisor, the individual will be required to meet with the Title IX coordinator, the College's legal counsel, or designee in advance of any participation in any meeting under this procedure.

### **Determination in CDSM Adjudications for Faculty**

The deputy Title IX coordinator for faculty will convene the three-member faculty panel as soon as practicable, and will then deliver the investigator's report along with the written responses of the parties to the panel. Once the faculty panel is convened, they, in consultation with the Title IX coordinator or designee, the vice president of human resources or designee, the director of equal opportunity, and/or other relevant administrator, as appropriate, shall determine, by a preponderance of the evidence whether the Sexual Assault and Harassment Policy has been violated. The preponderance of the evidence standard means that it is "more likely than not" that the respondent violated this policy. This determination will be based solely on the evidence presented in the investigator's report and the responses submitted by the parties.

Within ten (10) days of receiving the investigator's report and written responses of the parties, the panel shall complete and give the parties and the disciplinary authority a written determination and rationale.



## **Sanctions in CDSM Adjudications for Faculty**

If there is a finding of policy violation, the disciplinary authority will promptly initiate disciplinary action against a respondent. In all cases, the disciplinary authority will consult with the vice president of human resources or designee, the Title IX coordinator or designee, the director of equal opportunity, and/or other relevant administrator, as appropriate when determining the appropriate sanction.

The disciplinary authority will impose a sanction designed to eliminate the harassment or hostile environment, prevent its recurrence, and remedy its effects, while supporting the College's educational mission and Title IX obligations and ensuring fundamental fairness. Sanctions or interventions may also serve to promote safety or deter individuals from similar future behavior.

When deciding upon sanctions, the disciplinary authority may request that the parties and other affected individuals, as appropriate, voluntarily provide a written impact statement for consideration.

The disciplinary authority may impose any sanction deemed appropriate after a consideration of all of the relevant information. In considering the appropriate sanction, the disciplinary authority 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 College property; (6) whether the respondent is reasonably likely to engage in the conduct in the future; (7) the need to deter similar conduct by others; (8) the College's values and community standards; and (9) any other mitigating or aggravating circumstances. Absent compelling justifications, if the respondent engages in a pattern of the same or similar conduct, the recommended sanction will be termination.

The sanction may include any form of responsive action or progressive discipline, including training, referral to counseling, any of the remedies described in these procedures in Remedy-based resolution, and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension or termination.

## **Notice of Outcome in CDSM Adjudications for Faculty**

The disciplinary authority will give the parties a written Notice of Outcome, which will include a rationale of whether the respondent violated the College policy. The disciplinary authority will give the parties the Notice of Outcome within fifteen (15) days of the beginning of the adjudication.

If a policy violation was found, the Notice of Outcome will also provide the respondent written notice of any sanctions and any other interventions, the date by which the requirements must be satisfied (if applicable), and the consequences of failure to satisfy the requirements. At the same time, the complainant will be notified in writing of any sanctions and any other interventions that directly relate to the complainant, including information about the respondent's presence on campus (or in a shared working environment) that may help a complainant make informed decisions.

The imposition of sanctions will take effect immediately and any disciplinary action against a respondent will be promptly initiated by the disciplinary authority.

## **Reconsideration in CDSM Adjudications for Faculty**

Either party may request reconsideration of the determination of responsibility or sanction(s) in writing to the faculty deputy Title IX coordinator. Absent extraordinary circumstances, the request must be filed within five (5) business days of receiving the written determination of responsibility or sanction(s).

The complainant and/or respondent may only request reconsideration of the parts of the determination or sanctions directly relating to them. Dissatisfaction with the

determination is not grounds for reconsideration. The limited grounds for reconsideration and the process for reconsideration are as follows:

- If the request for reconsideration is based on new evidence that could affect the determination and that was unavailable at the time of investigation, then the request for reconsideration and the new evidence shall be reviewed by the faculty panel;
- If the request for reconsideration is based on a claim of procedural error(s) that had a material impact on the fairness of the determination, then the request for reconsideration shall be reviewed by elected members of the Committee on Faculty Procedures (COFP).
- If the request for reconsideration is based on a claim that the sanctions imposed were grossly disproportionate to the violation committed, then the request for reconsideration shall be reviewed by the disciplinary authority.

The request for reconsideration shall consist of a plain, concise, and complete written statement outlining the grounds for the reconsideration. Upon receipt of a request for reconsideration, the reviewer (the faculty panel, the disciplinary authority or COFP) will notify both parties. Each party has an opportunity to respond in writing to the request for reconsideration. Any response to the request must be submitted within five (5) business days from receipt of the request for reconsideration.

In any request for reconsideration, the burden of proof lies with the party requesting the reconsideration, as the original determination and sanction are presumed to have been decided reasonably and appropriately. The reconsideration is not a new review of the underlying matter. The reviewer shall consider the merits of reconsideration only on the basis of the relevant ground for reconsideration. The reviewer can affirm the original findings, alter the findings, and/or alter the sanctions, depending on the basis of the requested reconsideration. A request for reconsideration based on a claim of procedural error(s) may be made in the absence of a request for reconsideration based on new evidence, at the same time as a request for reconsideration based on new evidence, or can be submitted within five (5) business days from receipt of the result of a request for reconsideration based on new evidence.

The reviewer will communicate the result of the reconsideration to the complainant and respondent within five (5) business days from the date of the submission of all reconsideration documents by both parties. With the exception of the procedures for termination of appointment of instructional staff outlined below, reconsideration decisions are not subject to further review.

The Title IX coordinator 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.

## **Adjudication and Disciplinary Action in College-Defined Sexual Misconduct Cases for Staff**

For staff members, the relevant employee's supervisor, in consultation with the relevant president's staff member, serves as both the staff adjudicator and the staff disciplinary authority. The deputy Title IX coordinator for staff facilitates the staff adjudication process.

If a president's staff member is the respondent, the president serves as the adjudicator and the disciplinary authority. If the president is the respondent, the Chair of the Board of Managers (or designee) will serve as the adjudicator and the disciplinary authority.

### **Determination in CDSM Adjudications for Staff**

The staff disciplinary authority, in consultation with the Title IX coordinator or designee, the vice president of human resources or designee, the director of equal opportunity, and/or other relevant administrator, as appropriate, shall determine, by a preponderance of the evidence whether the Policy has been violated. The preponderance of the evidence standard means that it is "more likely than not" that the respondent violated this policy. This determination will be based solely on the evidence presented in the investigator's report and the responses submitted by the parties.

Within ten (10) days of receiving the investigator's report and written responses of the parties, the adjudicator shall complete and give the parties a written determination and rationale.

### **Sanctions in CDSM Adjudications for Staff**

If there is a finding of a policy violation, the disciplinary authority will promptly initiate disciplinary action against a respondent.

In all cases, the disciplinary authority will consult with the vice president of human resources or designee, the Title IX coordinator or designee, the director of equal opportunity, and/or other relevant administrator, as appropriate when determining the appropriate sanction.

The disciplinary authority will impose a sanction designed to eliminate the harassment or hostile environment, prevent its recurrence, and remedy its effects, while supporting the College's educational mission and Title IX obligations and ensuring fundamental fairness. Sanctions or interventions may also serve to promote safety or deter individuals from similar future behavior.

When deciding upon the sanction, the disciplinary authority may request that the parties and other affected individuals, as appropriate, voluntarily provide a written impact statement for consideration.

The disciplinary authority may impose any sanction deemed appropriate after a consideration of all of the relevant information. In considering the appropriate sanction, the disciplinary authority 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 College property; (6)

whether the respondent is reasonably likely to engage in the conduct in the future; (7) the need to deter similar conduct by others; (8) the College's values and community standards; and (9) any other mitigating or aggravating circumstances. Absent compelling justifications, if the respondent engages in a pattern of the same or similar conduct, the recommended sanction will be termination.

The sanction may include any form of responsive action or progressive discipline, including training, referral to counseling, any of the remedies described in these procedures in Remedies-based Resolution, and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension or termination.

### **Notice of Outcome in CDSM Adjudications for Staff**

The disciplinary authority will give the parties a written Notice of Outcome, which will include a rationale of whether the respondent violated the College policy. The disciplinary authority will give the parties the Notice of Outcome within fifteen (15) days of the beginning of the adjudication.

If a policy violation was found, the Notice of Outcome will also provide the respondent written notice of any sanctions and any other interventions, the date by which the requirements must be satisfied (if applicable), and the consequences of failure to satisfy the requirements. At the same time, the complainant will be notified in writing of any sanctions and any other interventions that directly relate to the complainant, including information about the respondent's presence on campus (or in a shared working environment) that may help a complainant make informed decisions.

The imposition of sanctions will take effect immediately and any disciplinary action against a respondent will be promptly initiated by the disciplinary authority.

### **Reconsideration in CDSM Adjudications for Staff**

Either party may request reconsideration of the determination of responsibility or sanction(s) in writing to the relevant president's staff member or designee. Absent extraordinary circumstances, the request must be filed within five (5) business days of receiving the written determination of responsibility or sanction(s).

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

- new evidence that could affect the determination and that was unavailable at the time of investigation;
- procedural error(s) that had a material impact on the fairness of the determination; and
- the sanctions imposed were grossly disproportionate to the violation committed.

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

In any request for reconsideration, the burden of proof lies with the party requesting the reconsideration, as the original determination and sanction are presumed to have been decided reasonably and appropriately. The reconsideration is not a new review of the underlying matter. The president's staff member shall consider the merits of reconsideration only on the basis of the three (3) grounds for reconsideration. The president's staff member can affirm the original findings, alter the findings, and/or alter the sanctions, depending on the basis of the requested reconsideration.

The president's staff member will communicate the result of the reconsideration to the complainant and respondent within five (5) business days from the date of the submission of all reconsideration documents by both parties. Reconsideration decisions are not subject to further review.

The Title IX coordinator 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.



## Sex Offender Registry and Access to Related Information

The Federal Campus Sex Crimes Prevention Act requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a state concerning registered sex offenders may be obtained. It also requires registered sex offenders to provide notice to the state as to whether the person is a student, or works at an institution of higher education, identify each institution of higher education in that state at which the person is employed, carries on a vocation, or is a student, and must also alert the state of any change in enrollment or employment status. Here in Pennsylvania, the Pennsylvania State Police make this type of information available through their web site at <http://www.pameganslaw.state.pa.us/> Please note that not all sex offenders are required to be included in this listing.



Swarthmore College Amphitheater

## Annual Disclosure of Crime Statistics

### Definitions of Clery Act Crimes

The conclusion of this annual campus security report contains statistical accounting of various crimes that have been reported to the Department of Public Safety. The definitions used to classify these incidents are required to come from the Federal Uniform Crime Reporting Program and the National Incident-Based Reporting System and are as follows:

**Murder and Non-negligent Manslaughter:** The willful non-negligent killing of one human being by another. Exclude deaths caused by negligence, suicide, or accident; justifiable homicides; and attempts to murder or assaults to murder. Negligent manslaughter is the killing of another person through negligence. Justifiable homicide is limited to: (1) the killing of a felon by a law enforcement officer in the line of duty; and (2) the killing of a felon by a private citizen.

**Negligent Manslaughter:** The killing of another person through gross negligence.

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

- **Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her temporary or permanent mental incapacity.
- **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent. In Pennsylvania the age consent is sixteen years of age.

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

**Aggravated Assault:** An unlawful attack by the person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm. Attempts are included since it is not necessary that an injury result when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed. Exclude simple assaults.

**Burglary:** The unlawful entry of a structure to commit a felony or a theft. The use of force to gain entry is not required to classify an offense as a burglary. Burglary includes forcible entry, unlawful entry where no force is used, and attempted forcible entry.

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle. Include the stealing of automobiles, trucks, buses, motorcycles, motor scooters, golf carts, snowmobiles, and similar motor vehicles. Exclude motorboats, construction equipment, airplanes, and farming equipment.

**Arson:** Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc. Include fires determined to have been willfully or maliciously set. Exclude fires of suspicious or unknown origin.

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

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

**Liquor Law Violations:** The violation of laws or ordinances prohibiting the manufacture, sale, transportation, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned.

**Simple Assault:** An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness. These incidents are counted when the event is related to a hate crime category.

**Larceny-theft:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Include crime such as shoplifting, pocket picking, purse-snatching, thefts from motor vehicles, thefts of motor vehicle parts and accessories, bicycle thefts, and similar thefts, in which no use of force, violence, or fraud occurs. Exclude embezzlement, confidence games, forgery, and worthless checks.

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

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

**Hate Crime:** If the victim/survivor was intentionally selected because of actual or perceived race, gender, gender identity, religion, sexual orientation, ethnicity, national origin or disability.

## Campus SaVE Act/Violence Against Women Act (VAWA)

The Campus SaVE Act/VAWA adds the following offenses to the list of criminal offenses for which statistics must be reported:

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

**Dating Violence:** Dating Violence is committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence. Dating violence involves a person:

- Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- Where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - The length of the relationship.
  - The type of relationship.
  - The frequency of interaction between the persons involved in the relationship.

**Stalking:** The term "stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to –

- fear for the person's safety or the safety of others; or
- suffer substantial emotional distress.

**Note:** For the purposes of this definition:

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



## **Pennsylvania Law Definitions of Domestic Violence, Dating Violence, Sexual Assault and Stalking (provided as educational/informational content)**

**Domestic Violence:** Pennsylvania defines domestic abuse as one or more of the following acts occurring between family or household members, sexual or intimate partners, or people who have a child in common:

- Purposefully or recklessly causing or attempting to cause bodily injury, serious bodily injury, rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault, or incest with or without a deadly weapon
- Causing another person to reasonably fear imminent serious bodily injury
- False imprisonment
- Physically or sexually abusing a minor child, or
- Engaging in a course of conduct or repeatedly committing acts directed at another person under circumstances that place the person in reasonable fear of bodily injury. “Family or household members” means current or former spouses, persons who live or have lived as spouses, parents and children, other persons related by blood or marriage, current or former intimate or sexual partners, or persons who have a child in common.

**Dating Violence:** The state of Pennsylvania does not have a definition for dating violence.

**Sexual Assault:** The state of Pennsylvania defines sexual assault as follows: Except as provided in section 3121 (relating to rape) or 3123 (relating to involuntary deviate sexual intercourse), a person commits a felony of the second degree when that person engages in sexual intercourse or deviate sexual intercourse with a complainant without the complainant's consent.

**Rape:** The state of Pennsylvania defines rape as follows: (a) Offense defined. --A person commits a felony of the first degree when the person engages in sexual intercourse with a complainant.

- By forcible compulsion.
- By threat of forcible compulsion that would prevent resistance by a person of reasonable resolution.
- Who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occurring.
- Where the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance.
- Who suffers from a mental disability which renders the complainant incapable of consent.

**Involuntary Deviate Sexual Intercourse:** The state of Pennsylvania defines involuntary deviate sexual intercourse as follows: (a) Offense defined- A person commits a felony of the first degree when the person engages in deviate sexual intercourse with a complainant:

- by forcible compulsion;
- by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution;
- who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occurring;

- where the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance;
- who suffers from a mental disability which renders him or her incapable of consent; or
- Deleted by 2002, Dec. 9, P.L. 1350, No. 162, § 2, effective in 60 days.
- who is less than 16 years of age and the person is four or more years older than the complainant and the complainant and person are not married to each other.

**Statutory Sexual Assault:** The state of Pennsylvania defines statutory sexual assault as follows: (a) Felony of the second degree. --Except as provided in section 3121 (relating to rape), a person commits a felony of the second degree when that person engages in sexual intercourse with a complainant to whom the person is not married who is under the age of 16 years and that person is either:

- four years older but less than eight years older than the complainant; or
- eight years older but less than 11 years older than the complainant.

(b) Felony of the first degree. --A person commits a felony of the first degree when that person engages in sexual intercourse with a complainant under the age of 16 years and that person is 11 or more years older than the complainant and the complainant and the person are not married to each other.

**Indecent Assault:** The state of Pennsylvania defines indecent assault as follows (a) Offense defined. --A person is guilty of indecent assault if the person has indecent contact with the complainant, causes the complainant to have indecent contact with the person or intentionally causes the complainant to come into contact with seminal fluid, urine or feces for the purpose of arousing sexual desire in the person or the complainant and:

- the person does so without the complainant's consent;
- the person does so by forcible compulsion;
- the person does so by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution;
- the complainant is unconscious or the person knows that the complainant is unaware that the indecent contact is occurring;
- the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance;
- the complainant suffers from a mental disability which renders the complainant incapable of consent;
- the complainant is less than 13 years of age; or
- the complainant is less than 16 years of age and the person is four or more years older than the complainant and the complainant and the person are not married to each other.

**Incest:** The state of Pennsylvania defines incest as follows: A person is guilty of incest, a felony of the second degree, if that person knowingly marries or cohabits or has sexual intercourse with an ancestor or descendant, a brother or sister of the whole or half blood or an uncle, aunt, nephew or niece of the whole blood. The relationships referred to in this section include blood relationships without regard to legitimacy, and relationship of parent and child by adoption.

**Stalking:** The state of Pennsylvania defines stalking as follows: (a) Offense Defined - A person commits the crime of stalking when the person either:



- engages in a course of conduct or repeatedly commits acts toward another person, including following the person without proper authority, under circumstances which demonstrate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person; or
- engages in a course of conduct or repeatedly communicates to another person under circumstances which demonstrate or communicate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person.

(b) Venue - (1) An offense committed under this section may be deemed to have been committed at either the place at which the communication or communications were made or at the place where the communication or communications were received. (2) Acts indicating a course of conduct which occur in more than one jurisdiction may be used by any other jurisdiction in which an act occurred as evidence of a continuing pattern of conduct or a course of conduct.

(c) Grading - (1) Except as otherwise provided for subsequent offenses, a first offense under this section shall constitute a misdemeanor of the first degree. Definitions —As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

- "Communicates." To convey a message without intent of legitimate communication or address by oral, nonverbal, written or electronic means, including telephone, electronic mail, Internet, facsimile, telex, wireless communication or similar transmission.
- "Course of conduct." A pattern of actions composed of more than one act over a period of time, however short, evidencing a continuity of conduct. The term includes lewd, lascivious, threatening or obscene words, language, drawings, caricatures or actions, either in person or anonymously. Acts indicating a course of conduct which occur in more than one jurisdiction may be used by any other jurisdiction in which an act occurred as evidence of a continuing pattern of conduct or a course of conduct.
- "Emotional distress." A temporary or permanent state of mental anguish. "Family or household member." Spouses or persons who have been spouses, persons living as spouses or who lived as spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood.

**Aggravated Indecent Assault:** (a) Offenses defined – Except as provided in sections 3121 (relating to rape), 3122.1 (relating to statutory sexual assault), 3123 (relating to involuntary deviate sexual intercourse) and 3124.1 (relating to sexual assault), a person who engages in penetration, however slight, of the genitals or anus of a complainant with a part of the of the person's body for any purpose other than good faith medical, hygienic or law enforcement procedures commits aggravated indecent assault if:

- the person does so without the complainant's consent;
- the person does so by forcible compulsion
- the person does so by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution;
- the complainant is unconscious or the person knows that the complainant is unaware that the penetration is occurring;
- the person has substantially impaired the complainants to appraise or control their conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants, or other means for the purpose of preventing resistance;
- the complainant suffers from a mental disability which renders them incapable of consent;

- the complainant is less than 13 years old;
- The complainant is less than 16 years of age and the person is four or more years older than the complainant and the complainant and the person are not married to each other.

## Unfounded Crimes

Swarthmore College Department of Public Safety is a non-sworn agency, and does not possess authority to “unfound” any crime. While the ability to work with local law enforcement enables crimes to be unfounded, that action can only be declared by the law enforcement agency. This practice has not been utilized in the years included in these crime statistics, therefore, there are **no unfounded crimes** for the calendar years **2017, 2018, and 2019**.



Corporal Theveny preparing for a bike patrol shift.

## Criminal Offenses

	On Campus			Residence Halls			Public Property			Non-Campus Property		
	2017	2018	2019	2017	2018	2019	2017	2018	2019	2017	2018	2019
Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses- Rape	10	6	9	6	4	7	0	0	0	0	0	0
Sex Offenses- Forcible Fondling	11	3	3	7	1	1	0	0	0	0	0	0
Sex Offenses- Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses- Incest	0	0	0	0	0	0	0	0	0	0	0	0
VAWA Offense- Domestic Violence	0	1	1	0	0	0	0	0	0	0	0	0
VAWA Offense- Dating Violence	6	7	4	4	7	3	0	0	0	0	0	0
VAWA Offense- Stalking	2	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	1	0	1	1	0	1	0	0	0	0	0	0
Burglary-Attempted	0	0	0	0	0	0	0	0	0	0	0	0
Burglary-Forcible	0	0	3	0	0	2	0	0	0	1	0	0
Burglary-Non-Forcible	3	0	0	1	0	0	0	0	0	0	0	0
Motor Vehicle Theft	1	0	1	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Unfounded Crimes	0	0	0	0	0	0	0	0	0	0	0	0

## Hate Crimes

Crimes listed below depict incidents that occurred and manifested evidence that the victim was intentionally selected due to the perpetrators' bias. Bias can be classified as the following: Gender Identity, Race, Gender, Sexual Orientation, Ethnicity, National Origin, and Disability.

**2017:**

- One (1) on-campus, inside residence hall vandalism incident characterized by Racial Bias.

**2018:**

- None Reported

**2019:**

- One (1) public property incident of intimidation characterized by Racial Bias.

## Arrests

Violation Location	On Campus			Residence Halls			Public Property			Non-Campus Property		
Year	2017	2018	2019	2017	2018	2019	2017	2018	2019	2017	2018	2019
Illegal Weapons Possessions	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violations	1	1	0	1	0	0	0	0	0	0	0	0
Liquor Law Violations	18	8	9	12	3	5	0	0	0	0	0	0

## Disciplinary Referrals

Violation Location	On Campus			Residence Halls			Public Property			Non-Campus Property		
Year	2017	2018	2019	2017	2018	2019	2017	2018	2019	2017	2018	2019
Illegal Weapons Possessions	0	2	0	0	2	0	0	0	0	0	0	0
Drug Law Violations	50	44	19	48	37	18	0	0	0	0	0	0
Liquor Law Violations	90	118	98	48	104	90	0	0	1	0	0	4

## Non-Clery Act Crime Statistics\*

Violation Location	On Campus			Residence Halls			Public Property			Non-Campus Property		
Year	2017	2018	2019	2017	2018	2019	2017	2018	2019	2017	2018	2019
Larceny	25	16	15	8	6	7	0	0	0	0	0	0

\*In an effort to promote transparency of crime statistics at Swarthmore College, the table above including the statistics on the criminal offense of Larceny is included within this report.

## Calculating Crime Rates

Individual category crime rates may be calculated by comparing the individual category to the combined full-time equivalent undergraduate student population (FTES) and the full-time equivalent employees; dividing this population figure into 100,000 and multiplying the resultant figure by individual category statistics will produce the crime rate per 100,000 per category.

The combined student and employee totals are as follows:

- 2017: 3130
- 2018: 2476
- 2019: 1798

## Monitoring/Recording Criminal Activity at Off-Campus Locations of Student Organizations

Swarthmore College non-campus locations are patrolled by, and crimes are reported to, the respective law enforcement agency of that jurisdiction. Swarthmore College Public Safety communicates with, and requests crime reports from these other law enforcement agencies. Swarthmore College relies on its close working relationships with local law enforcement agencies to receive information about incidents involving Swarthmore College students and recognized student organizations, on and off campus. In coordination with local law enforcement agencies, Swarthmore College Department of Public Safety will actively investigate certain crimes occurring on or near campus. If Swarthmore College Department of Public Safety learns of criminal activity involving students or student organizations, it will coordinate with the appropriate external law enforcement agency to forward information about the situation to the Deans Office, as appropriate.

Swarthmore College requires all recognized student organizations to abide by federal, state, and local laws, and Swarthmore College regulations. Swarthmore College may respond to off-campus misconduct of recognized student organizations when such conduct is in violation of the Swarthmore College [Student Handbook](https://www.swarthmore.edu/student-handbook), <https://www.swarthmore.edu/student-handbook> and based on the guidance surrounding off-campus activity referenced in the [Jurisdiction Section of the Student Handbook](https://www.swarthmore.edu/student-handbook/student-conduct-policies-and-procedures#jurisdiction), <https://www.swarthmore.edu/student-handbook/student-conduct-policies-and-procedures#jurisdiction>.



## **Disciplinary Policy at Swarthmore College**

Disciplinary policies for students at the College are covered under the Student Code of Conduct, and overseen by the Senior Associate Dean of Student Life. 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 Student Conduct process is an administrative educational process informed by legal and compliance requirements that guide academic institutions together with the holistic mission of the College to help students realize their full potential. Students share responsibility for upholding community standards and are expected to participate in good faith with investigation and adjudication processes meant to resolve a code allegation. Decisions about whether a student or group is responsible for a conduct violation are based on a fair preponderance of the evidence standard meaning, the allegation is supported by evidence that sufficiently demonstrates that it is more likely than not that a violation occurred. Without sufficient evidence, a student or group will be found not responsible.

Complete policies for students are contained in the Student Handbook, found online at:

<https://www.swarthmore.edu/student-handbook>

### **Jurisdiction**

Swarthmore College's policies normally apply to the conduct of matriculated students and any other defined student status 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 possible violations of student code of conduct expectations by 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.

### **Record Retention and Reporting**

In all cases of adjudication covered by this student conduct policy, the Student Conduct Office will keep records of proven allegations and of the sanction(s), if any, imposed. These records are private and sanctions are not disclosed on transcripts or shared without consent outside the scope of College staff with a demonstrated need to know in order to support, carry out sanctions or help adjudicate future allegations.

In order to verify compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, all student conduct records are retained for seven (7) years after a student's last enrollment. 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.

Most graduate schools, some employers, and some governmental agencies may require a student to consent to 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 consent for disclosure. In some circumstances, Swarthmore College may disclose disciplinary records or other information related to student conduct, when a student consents to such disclosure or when permitted or required by law. 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 is able to provide 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 student conduct process attempts to balance student accountability with an educational response. Sanctions are determined by taking the interests of the complainant, respondent, and the overall wellbeing of the College community into consideration, as well as a respondent's present and past disciplinary record if an allegation has been proven. The College will also consider the nature and severity of the offense, injury or harm resulting from the prohibited behavior, and any other relevant factors. The following list includes potential sanctions for violations of the College's Student Code of Conduct. The College reserves the right to impose any, all, or any combination of these sanctions depending on the nature and circumstances of the violation.

**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 recorded for internal purposes only and are not considered part of a student's permanent student conduct record, but would be taken into consideration by the College, if a student were to be found responsible for additional violations of the Student Code of Conduct. A student who receives a warning is still considered in *good standing* at the College.

**Reprimand**—A written notification that a repeated or more significant violation of the Student Code of Conduct occurred. Contrary to a *Warning*, a reprimand is considered part of a student's permanent student conduct record. Though disclosed with a student's signed consent, a student who receives a reprimand is still considered in good standing at the College.

**Note:** Reprimand is a new sanction for the 2020-2021 academic year.

**Probation**—A written notification that indicates a repeated or 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 additional violations of the Student Code of Conduct, including suspension or expulsion from the College. Notification of probation is considered a change in *good*

*standing* status and will normally be sent to parents. A student who is placed on probation, is not considered in good standing during their period of probation.

***Loss of privileges***—Denial of the use of certain College facilities or the right to participate in certain activities, events, programs, 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.

***Revocation of Affiliation***—Revocation of affiliation is the permanent removal of a student as a member of a specific organization and/or the permanent removal of an organization's recognized affiliation with the College.

***Contact Restrictions***—Contact Restrictions are directives to students by the Senior Associate Dean of Student Life, Vice President for Student Affairs, Dean of Students, Director of Public Safety, or designees that restrict the contact and/or communication between or among designated parties. Contact Restrictions may be the result of a student conduct process, remedies-based resolution, or put in place temporarily. For emergency situations involving personal safety, the Director of Public Safety, or their designee, may issue a temporary Contact Restriction, which will be confirmed, modified, or rescinded by the Senior Associate Dean of Student Life or designee within 72 hours of its issuance.

Contact Restrictions prohibit all forms of communication between designated parties, direct or indirect, including in person, social media, text messaging, email, U.S. mail, and third-party communication. Third-party communication includes friends, family, or acquaintances making requests on your behalf. Contact Restrictions are not legal protective orders as those are issued by a court of law. Depending on the circumstances, Contact Restrictions may or may not be reciprocal.

***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. A student who is placed on suspension, is not considered in good standing during their period 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 Vice President for Student Affairs 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 in *good standing* 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 Vice President for Student Affairs or designee. Notification of expulsion will normally be sent to parents, as it results in a change in *good standing* status.

**\*Good Standing**—A student is not in *good standing* when the student has been found responsible for a student conduct policy violation and as a result is serving a sanction of probation, suspension, or expulsion. Residential Peer Leader roles (GAs, RAs, and SAMs) require that students must be in and remain in *good standing* throughout their employment as an RPL.

## Interim Temporary Suspension

If the President, the Vice President for Student Affairs, or designee 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 Associate Dean of Student Life or a professional staff member in the Office of Student Engagement (hereinafter, referred to as the “student conduct administrator”) and includes investigation and formal resolution. Prior to a meeting with a student conduct administrator, the respondent is encouraged to meet with the Case Manager and Grievance 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.

### **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 adjudication***—A complaint under the major misconduct process will generally involve an adjudication before the College Judiciary Committee (CJC). A complainant or respondent, however, may request resolution through an administrative adjudication, to be conducted by the Senior Associate Dean of Student Life (hereinafter referred to as the “student conduct administrator”). 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 adjudication. The investigative report will serve as the primary evidence in making a determination of responsibility. In cases of major misconduct, an investigative report will be compiled of any information report(s), interview summaries, written statements, and any other documentary information that will be considered by the student conduct administrator.

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. The option of an administrative adjudication is also applicable for cases involving academic misconduct, but must be requested by both the respondent and reporting faculty members (see the [academic misconduct policy](#)).

An administrative adjudication 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 composed of faculty, administrators, and students. The CJC pool 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 annual training 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 adjudication.

Each CJC panel convened to adjudicate 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 (the Senior Associate Dean of Student Life or designee) who will be present to facilitate the process. They are not a voting member of the CJC.

The student conduct administrator will be available to meet with all involved parties prior to the adjudication, be present during the adjudication to serve as a resource for the CJC on issues of policy and procedure, and to see that policies and procedures are appropriately followed throughout the adjudication meeting.

## **Records**

The Dean of Students 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.

Students/student organizations found responsible for a violation of College policy through an administrative or panel hearing, the outcome will be recorded on a student's/student group's disciplinary 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.

Individual student conduct records are kept on file for no fewer than seven (7) years from the year in which the offense occurred, except in cases resulting in suspension or expulsion, in which disciplinary records are kept indefinitely. Students have an official College transcript maintained by the Registrar and a disciplinary student conduct record maintained by the Senior Associate Dean of Student Life. Generally, all formal disciplinary violations (excluding Warnings and AOD Amnesty) addressed through the student conduct process are noted on a student's disciplinary record. Disciplinary violations are externally reported for no fewer than seven (7) years from the year in which the offense occurred, except in cases resulting in suspension or expulsion, in which disciplinary records are kept and reported on indefinitely. (A student's disciplinary records is not released externally without a student's written permission or absent that, under narrowly defined circumstances).

At the beginning of the academic year, a summary report 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, is prepared and published.

## Annual Fire Safety Report

This report is published annually in accordance with Section 488(g) of the Higher Education Opportunity Act otherwise known as the Campus Fire Safety Right-to-Know. It is made available on the college's Public Safety website by October 1<sup>st</sup> of each year and details statistics on fires in the college's on-campus housing facilities, a description of the college's fire safety systems, and other related information.

All currently registered students as well as employees are directly notified by electronic mail of the report's availability and a link to the electronic address where the report is posted. This report is also available in paper form upon request. Prospective students and employees are informed of the report's availability as well.

## General Statement of College-Owned Student Housing Fire-Safety Systems

Except as noted below, all of the on-campus residence halls at Swarthmore College are protected throughout by automatic sprinklers and fire alarm systems which are continuously monitored by the Department of Public Safety. Fire detection devices include smoke detectors throughout the residence halls including the residence hall rooms. Heat detectors are also provided in many students' rooms as one integrated unit with the room's smoke detector. Future improvements in fire/life safety equipment, if determined necessary by the institution, will be implemented with all due diligence and speed. At this time, as College owned buildings are renovated, plans exist to upgrade existing fire alarm systems (that alert via audible siren/bell and visual strobe), to add vocal alarms that can be used for instructions and evacuations.

Emergency power is provided to the majority of the residence halls by emergency generators that are designed to automatically activate whenever there is a power loss. These generators will provide power to operate life safety systems including all fire safety equipment, sprinkler systems, hallway lighting, emergency exit doors, and lighting in all emergency exit stairwells. The individual fire alarm system panels have standby batteries to power alarm detection and evacuation signals in case of normal power failure in accordance with applicable codes and standards.

Kyle Hall and Woolman Hall house a total of 30 students and are not supplemented by emergency generators, however battery packs power emergency lighting and exit signs.

## Fire Event Log

The Department of Public Safety maintains a log of all fire events that occur in the on-campus student housing facilities. The log lists the date, time, and nature of the fires, as well as location of the fires. The fire log is integrated with the daily crime log, combining all incident information into one format.

## Training

All Resident Assistants receive comprehensive fire safety training at the beginning of the academic year, which includes lectures and demonstrations on the behavior of fires, automatic sprinklers, building evacuation, and proper use of fire safety equipment. The Dean's office, Academic, Facilities, and Residential staff work with students with special needs to develop personalized emergency plans, procedures and audio/visual devices as needed. During Fire Prevention Week there are regular tabling and demonstrations from the local fire department about fire behavior and the value of sprinklers. There is also hands on fire extinguisher training for students provided under the direction of the Swarthmore Fire Department.

Every student room has an emergency evacuation map posted inside the door. Fire drills are conducted each semester in each residence hall (twice per year) with the exception of the Strath Haven Condominiums whose building is not owned by the college. Public safety also provides guidance and information pertaining to evacuations and emergency procedures during new employee and student orientation sessions.

### **Specific Fire Prevention Related Policies**

It is the policy of Swarthmore College to provide faculty, staff, students, and visitors with the safest possible environment, free from potential fire hazards. The primary goal of the College's fire prevention program is to recognize hazardous conditions and take appropriate action before such conditions result in a fire emergency.

If a fire occurs in a campus building, community members should immediately notify Public Safety at 610-328-8333. Public Safety Officers are the first responders for all fire alarms and can summon the fire department quickly if a fire exists. If a community member finds evidence of a fire that has been extinguished, it is essential to immediately notify Public Safety to investigate and document the incident.

When a fire alarm is activated, the elevators in most buildings will stop automatically. Occupants should use the stairs to evacuate the building. If caught in the elevator, occupant(s) can push the emergency phone button. The emergency phones in all elevators on campus ring to the Public Safety Communication Center.

### **Fire Reporting, Drills and Evacuation Response**

All building fire alarms are monitored by the Public Safety Communications Center continuously around the clock. In the event of a problem with the central monitoring system the fire alarm panels will still work locally for each building. In the event of discovery of a fire, students, staff and faculty are urged to activate the building fire alarm by pulling the handle on a red fire pull station and call the Department of Public Safety emergency telephone line (x8333) immediately and evacuate the building. If individuals are in a building and the alarm goes off, they should go outside by the shortest possible route and wait until permission is given to re-enter the building. If a community member finds evidence of a fire that has been extinguished, it is still essential to immediately notify the Department of Public Safety to investigate the incident.

Fire drills are held twice per year in each residence hall for the protection of the students except as noted. The drills are conducted by Public Safety Officers in conjunction with the Resident Assistants in each Residence Hall and the Residential Communities Coordinator. The Resident Assistants assist Public Safety in the evacuation process both during fire drills and actual alarms guiding students to predetermined gathering places to aid in accounting for those occupants who have evacuated. Students are encouraged to take the opportunity of a fire drill to learn the quickest and safest ways out of the residence halls. The exception here is Strath Haven Condominiums where there are no drills held as the individual Condominiums are treated as separate housing units.

## Fire Prevention and Related Fire Safety Policy Statements

- Tampering or interfering with, as well as destruction or misuse of, fire/life safety and fire prevention equipment is prohibited, and is a violation of state law. An automatic fine of \$500 for each piece of equipment, plus the cost of replacement is charged to any student violating this policy, 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).
- Open flames are not permitted in residence halls. Any student found with an open flame (e.g., candle, incense) 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.
- Fire drills are held on a regular basis with directions for fire drill/evacuation procedures posted in every building. Hallways and stairways must be kept clear of bicycles, trunks, furniture, and debris. Hallways may not be used for storage of any kind. 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 the removal.
- At no time shall any community member be permitted to cover, hang items from, or otherwise disturb/impede sprinklers, smoke detectors, or any other fire/life safety equipment. Damage or misuse of fire/life safety equipment will result in replacement costs plus a minimum \$500 fine being assessed to the responsible party. Continued violations of this policy will result in the loss of College housing privileges.

## Prohibited Objects

The following list outlines items and activities prohibited for fire/life safety considerations as enacted by Swarthmore College. Of note, any student found with an open flame (e.g., candle, incense) will be subject to a \$500 fine.

- Cooking appliances (including coffee makers, hot plates, toaster ovens, or any items with a heating element)
- Space heaters
- Candles, incense, and other open flame items
- Halogen lamps
- Overloading electrical sockets
- Possessing/lighting fireworks/explosives
- Playing with fire
- Disposing of smoking materials negligently
- Electrical items using excessive wattage
- Gas powered vehicles inside College buildings
- 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.

**Note:** 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, that meet all College specifications (Energy Star rated; no larger than 24 in x 18 in x 18 in). Wastebaskets must be constructed of metal. Extreme care must be taken with irons, clothes steamers, curling irons, and other personal care devices. Extension cords must be Underwriters Lab approved, and outlet strips must have a built-in circuit breaker. Student-built Lofts are prohibited. Infants, children, and guests may not reside in College housing without prior permission.

**\*\*\*All College Residence Halls are equipped with the fire/life safety equipment listed in the chart on the following pages. \*\*\***

**\*\*\*The proceeding charts list the reported fires within residence halls during the previous three years. \*\*\***



Hands on Fire Extinguisher training for RA Staff held on campus.




## Fire/Life Safety Systems Within Current Swarthmore College Residential Facilities

Residence Hall	Fire Alarm Monitored on Campus 24/7	Fully Sprinklered	Hardwired Smoke Detection	Fire Extinguisher Devices	Evacuation Plans & Placards	Number of Scheduled Fire Drills Each year
Parrish Hall / 500 College Avenue	X	X	X	X	X	2
Alice Paul Hall / 500 College Avenue	X	X	X	X	X	2
Bond Lodges / 500 College Avenue	X	X	X	X	X	2
Dana Hall / 500 College Avenue	X	X	X	X	X	2
David Kemp Hall / 500 College Avenue	X	X	X	X	X	2
Danawell / 500 College Avenue	X	X	X	X	X	2
Hallowell Hall / 500 College Avenue	X	X	X	X	X	2
Kyle Hall / #1 Whittier Place	X	X	X	X	X	2
Mary Lyons #4 / 805 Harvard Avenue	X	X	X	X	X	2
Mertz Hall / 500 College Avenue	X	X	X	X	X	2
Palmer Hall / 116 South Chester Road	X	X	X	X	X	2
Phi Si Fraternity / 500 College Avenue <sup>1</sup>	X	NO	X	X	X	2
Pittenger Hall / 116 South Chester Road	X	X	X	X	X	2
PPR Apartments / 116 South Chester Road	X	X	X	X	X	2
Roberts Hall / 116 South Chester Road	X	X	X	X	X	2
Willets Residence Hall / 500 College Avenue	X	X	X	X	X	2
Woolman House / 402 Walnut Lane	X	X	X	X	X	2
Wharton Hall / 500 College Avenue	X	X	X	X	X	2
Worth Hall / 500 College Avenue	X	X	X	X	X	2

<sup>1</sup> Only used as residence hall for Spring of 2019; only 1 fire drill conducted for the calendar year 2019.

## 2017 Swarthmore College Fire Statistics for Residence Halls

	Total Fires in Each Building	Cause of Fire	Injuries Requiring Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire	Fire Drills Calendar Year 2017
Parish Hall	0	N/A	0	0	N/A	2
Alice Paul Hall	0	N/A	0	0	N/A	2
Bond Lodges	0	N/A	0	0	N/A	2
Dana Hall	0	N/A	0	0	N/A	2
Danawell Hall	0	N/A	0	0	N/A	2
David Kemp Hall	0	N/A	0	0	N/A	2
Delta Upsilon Fraternity House	0	N/A	0	0	N/A	2
Hallowell Hall	0	N/A	0	0	N/A	2
Kyle House	0	N/A	0	0	N/A	2
Mary Lyons 4	0	N/A	0	0	N/A	2
Mertz Hall	0	N/A	0	0	N/A	2
Palmer Hall	0	N/A	0	0	N/A	2
Phi Si Fraternity House	0	N/A	0	0	N/A	2
PPR Apartments	0	N/A	0	0	N/A	2
Pittenger Hall	0	N/A	0	0	N/A	2
Roberts Hall	0	N/A	0	0	N/A	2
Strath Haven Condominiums	0	N/A	0	0	N/A	0 <sup>2</sup>
Wharton Hall	0	N/A	0	0	N/A	2
Willeys Hall	1	N/A	0	0	N/A	2
Woolman House	0	N/A	0	0	N/A	2
Worth Hall	0	N/A	0	0	N/A	2


<sup>2</sup> Fire drills cannot be conducted in the Strath Haven Condominiums as the College only owns a certain number of units, not the entire building.

## 2018 Swarthmore College Fire Statistics for Residence Halls

	Total Fires in Each Building	Cause of Fire	Injuries Requiring Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire	Fire Drills Calendar Year 2018
Parish Hall	0	N/A	0	0	N/A	2
Alice Paul Hall	0	N/A	0	0	N/A	2
Bond Lodges	0	N/A	0	0	N/A	2
Dana Hall	0	N/A	0	0	N/A	2
Danawell Hall	0	N/A	0	0	N/A	2
David Kemp Hall	0	N/A	0	0	N/A	2
Delta Upsilon Fraternity House	0	N/A	0	0	N/A	2
Hallowell Hall	0	N/A	0	0	N/A	2
Kyle House	0	N/A	0	0	N/A	Offline as Residence Hall <sup>3</sup>
Mary Lyons 4	0	N/A	0	0	N/A	2
Mertz Hall	0	N/A	0	0	N/A	2
Palmer Hall	0	N/A	0	0	N/A	2
Phi Si Fraternity House	0	N/A	0	0	N/A	2
PPR Apartments	0	N/A	0	0	N/A	2
Pittenger Hall	0	N/A	0	0	N/A	2
Roberts Hall	0	N/A	0	0	N/A	2
Wharton Hall	0	N/A	0	0	N/A	2
Willeys Hall	0	N/A	0	0	N/A	2
Woolman House	0	N/A	0	0	N/A	2
Worth Hall	0	N/A	0	0	N/A	2

<sup>3</sup> Kyle House was taken offline in 2018 to become a construction office for a large-scale capital improvement project that was projected to take multiple years to complete.

## 2019 Swarthmore College Fire Statistics for Residence Halls

	Total Fires in Each Building	Cause of Fire	Injuries Requiring Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire	Fire Drills Calendar Year 2019
Parish Hall	0	N/A	0	0	N/A	2
Alice Paul Hall	1	Unintentional: Open Flame	0	0	\$1,000-\$9,999	2
Bond Lodges	0	N/A	0	0	N/A	2
Dana Hall	0	N/A	0	0	N/A	2
Danawell Hall	0	N/A	0	0	N/A	2
David Kemp Hall	0	N/A	0	0	N/A	2
Hallowell Hall	0	N/A	0	0	N/A	2
Kyle House	0	N/A	N/A	N/A	N/A	Offline as Residence Hall <sup>4</sup>
Mary Lyons 4	0	N/A	0	0	N/A	2
Mertz Hall	0	N/A	0	0	N/A	2
Palmer Hall	0	N/A	0	0	N/A	2
Phi Si Fraternity House	0	N/A	0	0	N/A	1 <sup>5</sup>
PPR Apartments	1	Unintentional: Cooking	0	0	\$100-\$999	2
Pittenger Hall	0	N/A	0	0	N/A	2
Roberts Hall	0	N/A	0	0	N/A	2
Wharton Hall	0	N/A	0	0	N/A	2
Willeys Hall	1	Unintentional; Cooking	0	0	\$100-\$999	2
Woolman House	0	N/A	0	0	N/A	2
Worth Hall	0	N/A	0	0	N/A	2

<sup>4</sup> Kyle House was taken offline in 2018 to become a construction office for a large-scale capital improvement project that was projected to take multiple years to complete.

<sup>5</sup> Phi Si Fraternity house was offline as a residence hall for Fall 2019, thus only 1 fire drill was conducted.

# Clery Geography Map and College Boundaries







Students enjoy fireworks display on Parish Beach.

