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Contact Us

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Visit our staff (</node/107259>) page (</node/107259>) for more information.

Swarthmore College Sexual Assault & Harassment Policy

2018-2019

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This policy prohibits all forms of sexual misconduct, including sexual harassment, sexual assault, sexual exploitation, indecent exposure, intimate-partner violence, dating violence and domestic violence, retaliation, stalking, and other misconduct that is sex or gender based, or in the context of an intimate partner relationship including: bullying and intimidation, physical assault, and discrimination.

I. Statement of intent

Swarthmore College is committed to establishing and maintaining a community rich in equality and free from all forms of discrimination and harassment. The College seeks to create an environment in which the greatest holistic academic potential of students and professional potential of employees may be realized. In order to create and maintain such an inclusive climate t, 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.

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 Title IX, the College will address reported violations of the *Sexual Assault and Harassment Policy*. 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.

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 sexual discrimination and harassment.

II. Scope of policy

Swarthmore College prohibits harassment of and discrimination against any and all community members. This policy applies to all members of the College community, including students, employees (including administration, faculty, and instructional 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.

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 as well as the policies of the host institution. Students from either 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 adjudicated under this policy and/or through their home institution.

The College’s Policy on Prohibited Relationships prohibits romantic or sexual relationships between College employees (including instructional staff, faculty, and staff) and students. Violations of the Policy on Prohibited Relationships will be addressed by that policy, unless the prohibited conduct also violates the Sexual Assault and Harassment Policy, in

which case it may be addressed in whole or in part by this policy. Please refer to the [Provost's office website \(http://www.swarthmore.edu/provosts-office\)](http://www.swarthmore.edu/provosts-office) or [Human Resources website \(http://www.swarthmore.edu/human-resources\)](http://www.swarthmore.edu/human-resources) for more information.

III. Notice of non-discrimination

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

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 the [Reporting](#) section to make a report of discrimination, harassment, or to file a complaint.

IV. Swarthmore College statement regarding privacy

The College is committed to protecting the privacy of all individuals involved in a report of sexual misconduct. In any report under this policy, every effort will be made to protect the privacy interests of all individuals involved

Privacy and confidentiality have distinct meanings under this policy.

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

Confidentiality. Confidentiality means that information shared by an individual with designated 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 sexual assault advocate, all of whom have legally protected confidentiality. These individuals are prohibited from breaking confidentiality unless there is an imminent threat of harm to self or others or the disclosure is otherwise legally permitted or required. Non-identifying, aggregate data may be shared for statistical purposes consistent with the Clery Act.

Any other College employee who is not designated as a confidential resource under this policy is required to share a report of sexual misconduct with the Title IX Coordinator or Deputy Title IX Coordinator. (See Reporting section 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 complainant's desired course of action, and the necessity for any interim measures or services to protect the safety of the complainant 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 complainant. The College may also share non-identifying information about reports received in aggregate form, including data about outcomes and sanctions. At no time will the College release the name of the complainant to the general public without the express consent of the complainant or as otherwise permitted or required by law.

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

V. Prohibited Conduct

The College prohibits the following forms of conduct:

- Sexual Harassment
- Sexual Assault
- Sexual Exploitation
- Intimate-Partner Violence, including Dating Violence and Domestic Violence
- Indecent Exposure
- Retaliation
- Stalking
- Other misconduct that is sex or gender-based, or in the context of an intimate partner relationship including:
 - Bullying and Intimidation
 - Physical Assault
 - Discrimination

This prohibited conduct can affect individuals of all genders, gender identities, gender expressions, and sexual orientations, and does not discriminate by racial, social, or economic background. Some of these prohibited forms of conduct may also be crimes under Pennsylvania law.

A. Sexual harassment

Sexual harassment is any unwelcome conduct of a sexual nature or based on sex or gender when at least one of the following conditions are present:

- 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;
- 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.

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

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

Sexual harassment can take many forms. Sexual harassment:

- may include, but is not limited to sexual advances or request for sexual favors, inappropriate comments, jokes or gestures, or other unwanted verbal or physical conduct of a sexual nature.
- may be blatant and intentional and involve an overt action, a threat of reprisal, or may be subtle and indirect, with a coercive aspect that is unstated.
- does not have to include intent to harm, be directed at a specific target, or involve repeated incidents.

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

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

B. Sexual assault

Sexual assault is intentional sexual contact with another person without that person's consent.

- *Non-consensual sexual touching* includes contact with the intimate parts of another, causing another to touch one's intimate parts, or disrobing or exposure of another without permission. Intimate parts may include the breasts, genitals, buttocks, groin, mouth, or any other part of the body that is touched in a sexual manner.
- *Non-consensual sexual penetration* includes vaginal or anal penetration, however slight, with a body part (e.g., penis, tongue, finger, hand, etc.) or object, or oral penetration involving mouth-to-genital contact.

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 or diminish one's responsibility to obtain informed and freely given consent.

See *Related Definitions* for a description of *Consent*.

C. Sexual exploitation

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

Examples of sexual exploitation include:

- observing another individual's nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved;
- non-consensual streaming of images, photography, video, or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all parties involved;
- prostituting another individual;
- exposing 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.

D. Intimate-partner violence, including Dating Violence and Domestic Violence

Intimate-partner violence includes dating violence, domestic violence, and relationship violence, includes any act of violence or threatened act of violence against a person who is, or has been involved in, a sexual, dating, domestic, or other intimate relationship with that person. It may involve one act or an ongoing pattern of behavior.

Intimate-partner violence can encompass a broad range of behavior, including, but not limited to, physical violence and sexual violence. Intimate-partner violence may take the form of threats, assault, property damage, or violence, or threat of violence to oneself, one's sexual or romantic partner, or to the family members or friends of the sexual or romantic partner.

Dating violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the alleged victim. The existence of such a relationship will be determined based on the reporting party's statement, taking into consideration the following factors: a) the length of the relationship, b) the type of relationship, and c) the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical violence or the threat of such violence.

Domestic violence is violence committed by a current or former spouse, or sexual or intimate partner of the alleged victim, a person who is living as a spouse or who lived as a spouse with the alleged victim, parents and children, other persons related by blood or marriage, or by a person with whom the alleged victim shares a child in common. Under the criminal laws of Pennsylvania certain offenses, including but not limited to, rape, aggravated assault and stalking, can be deemed domestic violence depending on the relationship of the parties involved.

E. Indecent exposure

A person commits *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.

F. Retaliation

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

G. Stalking

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

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

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

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

Examples of stalking include:

- unwelcome and repeated visual or physical proximity to a person;

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

Other misconduct that is sex or gender-based, or in the context of an intimate partner relationship including:

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 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:

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

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

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

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 conduct will be resolved under the *Sexual Assault and Harassment Policy*.

I. Physical assault

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

J. Discrimination

Discrimination under this Policy is defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of sex, gender identity or expression, or sexual orientation. (For full list of protected classes and additional resources, see [Notice of Non-Discrimination](http://www.swarthmore.edu/equal-opportunity-office/non-discrimination-and-equal-opportunity) (<http://www.swarthmore.edu/equal-opportunity-office/non-discrimination-and-equal-opportunity>).)

VI. Related definitions

A. Reporting person

Any person who makes a report to the Title IX Coordinator or Deputy Title IX Coordinator about sexual misconduct.

B. Complainant

Any member of the College community seeking resources, support, and/or a formal disciplinary process in response to sexual misconduct.

C. Respondent

Any member of the College community who has been alleged to have violated the *Sexual Assault and Harassment Policy*.

D. 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 G 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.

E. 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.

F. Coercion

Coercion is the use of pressure to compel another individual to initiate or continue sexual activity against an individual's will. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail. A person's words or conduct are sufficient to constitute coercion if they wrongfully impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity.

Examples of coercion:

- 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.

G. Incapacitation

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

Incapacitation may result from the use of alcohol and/or drugs. Incapacitation is a state beyond drunkenness or intoxication. The impact of alcohol and other drugs varies from person to person.

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 respondent should have been aware of the complainant's incapacitation based on objectively and reasonably apparent indications of impairment when viewed from the perspective of a sober, reasonable person in the respondent's position.

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.

VII. 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, [bjayne](mailto:bjayne@swarthmore.edu)
(<mailto:bjayne1@swarthmore.edu>)1 (<mailto:khodge1@swarthmore.edu>)@swarthmore.edu
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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. (See Resources section for more information).

VIII. Resources

A. Overview

The College is committed to treating all members of the community with dignity, care, and respect. Any individual affected by sexual misconduct, whether as a victim/survivor, complainant, 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.

Information about on- and off-campus resources are included in the *Sexual Assault and Harassment Policy*, including counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, interim measures, and other services available to victims, both within the institution and in the community. In general, all interim measures that require action by the College are implemented through the Title IX Coordinator. The confidential advocate can also assist with referrals to medical assistance, counseling, campus resources, and provide detailed information about other interim measures available.

B. 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 Educator/Advocate and the Title IX prevention and education team 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.

C. Emergency support services in the event of sexual misconduct and/or intimate partner violence

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** (<http://www.swarthmore.edu/public-safety>) 610-328-8333

Ben West House, publicsafety@swarthmore.edu (<mailto:publicsafety@swarthmore.edu>)

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 dean's division 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** (<http://www.swarthmorepa.org/187/police/department>) 610-543-0123, 121 Park Ave. Swarthmore, PA 19081
- **Delaware County Women Against Rape (WAR)** (<http://www.delcowar.org>) 610-566-4342 (24-hour hotline)
- **Domestic Abuse Project of Delaware County (DAP)** (<http://www.dapdc.org>) 610-565-6272

D. On-campus resources

1. 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

- **Student Health and Wellness** (daytime): 610-328-8058; (after-hours): 610-328-8548

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).

If the incident involves a sexual assault 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.

- **Victim Advocate**, Hillary Grumbine, Violence Prevention Educator and Advocate 610-328-8538, hgrumbi1@swarthmore.edu (<mailto:nharris1@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, trainings and workshops.

- **Alcohol and Other Drugs (AOD) Counselor and Educator**, Josh Ellow 610-328-8058, jellow1@swarthmore.edu (<mailto:jellow1@swarthmore.edu>)

The AOD Counselor and Educator provides individual and group services. All AOD supports are student-centered and tailored to the individual needs of each case.

- **Counseling & Psychological Services (CAPS)** 610-328-8059; after-hours: call Public Safety 610-328-8333

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** (<http://www.swarthmore.edu/interfaith-center/staff-and-religious-advisors>) 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** 1-800-437-0911

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

2. 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, [bjayne](mailto:bjayne@swarthmore.edu) (<mailto:bjayne1@swarthmore.edu>)1 (<mailto:khodge1@swarthmore.edu>)@swarthmore.edu (<mailto:bjayne1@swarthmore.edu>)
- Deputy Title IX Coordinator Nora Johnson, Provost’s Office, 610-328-8188, LPAC 303, njohnso1@swarthmore.edu (<mailto:njohnso1@swarthmore.edu>)
- Deputy Title IX Coordinator Zenobia Hargust, director of equal opportunity and engagement, Human Resources, 101 South Chester, 610-328-8398, zhargus1@swarthmore.edu (<mailto:zhargus1@swarthmore.edu>)
- Deputy Title IX Coordinator Isaiah Thomas, director of residential communities, Dean’s Office, Parrish Hall LL76, 610-957-6113, [ithomas1](mailto:ithomas1@swarthmore.edu) (<mailto:ithomas1@swarthmore.edu>)@swarthmore.edu

<mailto:nmiller2@swarthmore.edu>)

- Deputy Title IX Coordinator Nnenna Akotaobi, associate director of athletics and senior woman administrator, Physical Education & Athletics, Athletics Fieldhouse 161, 610-328-8222 nakotao2@swarthmore.edu
(<mailto:nakotao2@swarthmore.edu>)

Dean's Division

The Swarthmore College dean of students office oversees the academic support, residential, and social resources available to students at the College. Students are encouraged to reach out to the staff of the Dean's Office for academic affairs and support, and disability services. A student's class dean can help them access all resources in the dean's division.

Class Deans:

- First-Year Class Dean—Karen Henry
- Sophomore Class Dean—Thomas Alexander
- Junior Class Dean—Dion Lewis
- Senior Class Dean—Michelle Ray

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 dean's division 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 from off-campus.
- For general business, call x8281 or 610-328-8281 from off-campus.

E. Off-Campus Resources

1. 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.

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).

- **Crozer-Chester Medical Center** 610-447-2000, 1 Medical Center Blvd., Chester, Pa. 19013 (3.5 miles)
- **Riddle Memorial Hospital** 484-227-9400, 1068 W. Baltimore Pike, Media, Pa. 19063 (7.5 miles)
- **Springfield Hospital** 610-328-8700, 190 W. Sproul Road, Springfield, Pa. 19064 (3 miles)

Mazzoni Center 215-563-0652 or 215-563-0658, 809 Locust St. Philadelphia, Pa. 19107 (<http://mazzonicenter.org>
(<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. Comprehensive primary health care services focusing on the needs of LGBT individuals are located at the Mazzoni Center Family & Community Medicine.

2. Off-campus confidential resources

- **Delaware County Women Against Rape (WAR)** (<http://www.delcowar.org>) 610-566-4342 (24-hour hotline)

Offers comprehensive direct services 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** (<http://www.dapdc.org/>) 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 that make it difficult to leave an abusive relationship.

3. Off-campus legal assistance

- **Center for Gay/Lesbian Civil Rights** (<http://www.equalityadvocates.org>)
- **Delaware County Bar Association** (<http://www.delcobar.org/?page=lawyerreferral>)
- **Delaware County Women Against Rape** (<http://www.delcowar.org>) (WAR)
- **Legal Aid of Southeastern Pennsylvania** (<http://www.lasp.org>)
- **Philadelphia Legal Assistance** (<http://www.philalegal.org>)
- **Women Against Abuse Legal Center** (<http://www.womenagainstabuse.org>)
- **Women's Law Project** (<http://www.womenslawproject.org>)

IX. Reporting

A. Overview

The College encourages all community members to report sexual misconduct in order to obtain assistance and maintain a safe campus environment. As outlined in *Emergency support services in the event of sexual misconduct and/or intimate partner violence* in the Resources section of this policy, the College encourages all individuals to immediately seek assistance from law enforcement, Public Safety, a medical provider, and/or a victim advocate. All Swarthmore community members, even those who are not obligated by the College's *Sexual Assault and Harassment Policy*, are strongly encouraged to report information regarding any incident of sexual misconduct to the Title IX coordinator. 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 deputy designee, will coordinate the initial assessment, offer resources and support, and initiate an investigation when appropriate and/or requested.

B. Employee reporting obligations

With the exception of those employees who have recognized confidentiality **all College employees, including faculty, staff, administrators, and student employees or volunteers who have responsibility for the welfare of other students, are required to share with the Title IX coordinator any report of sexual misconduct about which they**

become aware. These employees must promptly share all details of the reports they receive.

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.

Student employees who are required to share reports with the Title IX coordinator include, for example, resident assistants (RAs), student academic mentors (SAMs), diversity peer advisors (DPAs), and SWATeam. These individuals are required to share with the Title IX coordinator all information about which they are aware, including the identities of the parties in the sexual misconduct, if known.

As outlined in the *Statement Regarding Privacy* (section IV of this policy), the College respects the privacy interests of students, faculty, and staff. Information reported to the Title IX coordinator or deputy will only be shared with those College officials who will assist in responding, investigating, and/or resolving a complaint. The College will document non-identifying information in the campus incident log. Should the College determine there is a serious or imminent threat, a timely warning notice will be shared with the community.

The Title IX coordinator will ensure that the College responds to all reports in a timely, fair, effective, and consistent manner. To do so, the Title IX coordinator may consult with members of the Title IX assessment team, which consists of the Title IX coordinator, deputy Title IX coordinators, associate dean of students, public safety, and others as applicable. The Title IX assessment team assists the Title IX coordinator with the review, investigation, and/or resolution of all reports to ensure consistent responses, support individuals involved, and protect the College community.

The College will approach each report with an earnest intent to understand the perspective and experiences of each individual involved to ensure fair and impartial evaluation and resolution. The College will also take every effort to ensure the safety of the campus community when evaluating and assessing any reported sexual misconduct.

C. Making a report vs. Filing a complaint

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

At the time a report is made, a complainant does not have to decide whether to file a 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 complainant or the College depending on the outcome of the Title IX assessment.

To file a complaint, please contact the Title IX coordinator or a Deputy Title IX coordinator.

D. Campus reporting options

The College recognizes that any member of the community may choose to report sexual misconduct to any College employee. For example, a student may choose to confide in a class dean, a resident assistant (RA), a faculty member, or a coach. A faculty/staff member may choose to confide in a supervisor or colleague. However, under this policy, any

employee, other than those deemed confidential by law, who receives a report of sexual misconduct, is required to share the report with the Title IX coordinator. All members of the College community are encouraged to go directly to the Title IX coordinator with reports of or concerns about sexual misconduct.

Campus reporting options

- Title IX Coordinator Bindu K. Jayne, 504 Fieldhouse Lane, 610-690-3720, [bjayne1 \(mailto:bjayne1@swarthmore.edu\)](mailto:bjayne1@swarthmore.edu) [khodge1 \(mailto:khodge1@swarthmore.edu\)](mailto:khodge1@swarthmore.edu)
- Deputy Title IX Coordinator Nora Johnson, Provost's Office, 610-328-8188, LPAC 303, [njohnso1 \(mailto:njohnso1@swarthmore.edu\)](mailto:njohnso1@swarthmore.edu)
- Deputy Title IX Coordinator, Zenobia Hargust, director of equal opportunity and engagement, Human Resources, 101 South Chester, 610-328-8398, [zhargus1 \(mailto:zhargus1@swarthmore.edu\)](mailto:zhargus1@swarthmore.edu)
- Deputy Title IX Coordinator Isaiah Thomas, director of residential communities, Dean's Office, Parrish Hall LL76, 610-957-6113, [ithomas1 \(mailto:ithomas1@swarthmore.edu\)](mailto:ithomas1@swarthmore.edu)
- Deputy Title IX Coordinator Nnenna Akotaobi, associate director of athletics and senior woman administrator, Physical Education and Athletics, Athletics, Fieldhouse 161 | 610-328-8222 [nakotao2 \(mailto:nakotao2@swarthmore.edu\)](mailto:nakotao2@swarthmore.edu)
- Department of Public Safety, Benjamin West House, emergency 610-328-8333 non-Emergency 610-328-8281 [publicsafety \(mailto:publicsafety@swarthmore.edu\)](mailto:publicsafety@swarthmore.edu).

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 dean's division staff, or a nurse on-call. They can provide assistance contacting Swarthmore Police Department to make a report to law enforcement or obtain a Protection from Abuse order. The Ben West House is a safe space that is always open and staffed 24 hours a day.

E. Reporting to law enforcement

In addition to a College response, the College also encourages complainants to pursue criminal action for incidents of sexual misconduct that may also be crimes under Pennsylvania criminal statutes or the applicable criminal statute of the jurisdiction. The College will assist a complainant, at the complainant's request, in contacting local law enforcement and will cooperate with law enforcement agencies if a complainant decides to pursue the criminal process to the extent permitted by law. Except where the complainant is younger than 18 years old, the College will generally respect a complainant'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 complainant may seek resolution through the College's complaint process, may pursue criminal action, may choose one but not the other, or may choose both. Neither law enforcement's determination to prosecute a respondent nor the outcome of any criminal prosecution is determinative of whether sexual assault or harassment has occurred under this policy. Proceedings under the College's Sexual Assault and Harassment Policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings and such timing will be determined by the Title IX coordinator in consultation with the Title IX assessment team.

F. Third-party reporting

Any individual may make a report concerning an act of sexual misconduct. An individual who is not a mandatory reporter 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 reporting form, which can be found on the Office of the Title IX Coordinator website. All reports of sexual misconduct will go to the Title IX coordinator for review and appropriate response and action. The Title IX coordinator or their designee will respond to all reports submitted. The College will ensure that third-party reports are reviewed and considered for compliance with the Clery Act.

G. Reporting considerations

1. Timeliness of report, location of incident

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

2. Amnesty for personal use of alcohol or other drugs

The College seeks to remove any barriers to reporting. The College will generally offer any student, complainant, third party, and/or witness who reports sexual misconduct 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 or therapeutic remedies in certain situations.

3. Statement against retaliation

As stated above, retaliation is a violation of College policy. The College recognizes that retaliation can take many forms, may be committed by or against an individual or a group, and that 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 sexual misconduct is entitled to protection from any form of retaliation following a report made in good faith, even if the report is not later substantiated.

4. 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.

H. Reports involving minors

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

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. Submit an online report (preferred method): to the Pennsylvania Department of Human Services at www.compass.state.pa.us/cwis (<http://www.compass.state.pa.us/cwis>) or call Pennsylvania's Child Line at 800-

932-0313 (alternative method). *Please Note: If you call Childline, you must also submit a written report within 48 hours.*

2. Call Swarthmore College Department of Public Safety (610-328-8333) to inform Director of Public Safety Michael Hill, who serves as the College's designee for receiving reports of child abuse. The director of Public Safety will inform the appropriate College officials in order to ensure the safety of the Swarthmore College community.

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

The College's full policy on reporting child abuse can be found [here \(http://www.swarthmore.edu/rmla/mandatory-child-abuse-reporting-policy\)](http://www.swarthmore.edu/rmla/mandatory-child-abuse-reporting-policy).

I. 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

J. Time frames for resolution

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

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

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

K. Resolution Procedures

The College has jurisdiction over complaints based on Title IX and may take disciplinary action against a respondent who is a current student or employee. Disciplinary action against a respondent 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 fundamental fairness and respect for all parties, which require notice, an equitable opportunity to be heard, and an equitable opportunity to respond to a report under this Sexual Assault and Harassment Policy. The College will provide a prompt, fair, and impartial process from the initial assessment to the final outcome. All staff involved with the Sexual Assault and Harassment 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:

- Complaints against a student will be resolved by the [Procedures for Resolution of Complaints against Students \(https://www.swarthmore.edu/sexual-misconduct-prevention-response/procedures-resolution-complaints-against-students-0\)](https://www.swarthmore.edu/sexual-misconduct-prevention-response/procedures-resolution-complaints-against-students-0).
- Complaints against a staff member, instructional staff member, including faculty will be resolved by the [Procedures for Resolution of Complaints against Staff and Instructional Staff, including Faculty \(/node/107916\)](/node/107916).
- Even if the offending individual is not a student or employee, the College 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.

[SHARE Home \(/share/\)](/share/)

[About ▾ \(/share/about\)](/share/about)

[Get Help ▾ \(/share/get-help\)](/share/get-help)

[Get Informed ▾ \(/share/get-informed\)](/share/get-informed)

[Get Involved ▾ \(/share/get-involved\)](/share/get-involved)

[Sexual Assault & Harassment Policy ▾ \(/share/swarthmore-college-sexual-assault-harassment-policy\)](/share/swarthmore-college-sexual-assault-harassment-policy)

[Procedures for Resolution of Complaints Against Students \(/share/procedures-resolution-complaints-against-students\)](/share/procedures-resolution-complaints-against-students)

[Procedures for Resolution of Complaints Against Staff and Instructional Staff, Including Faculty \(/share/procedures-resolution-complaints-against-staff-and-instructional-staff-including-faculty\)](/share/procedures-resolution-complaints-against-staff-and-instructional-staff-including-faculty)

[Updates to the 2018-2019 SAHP Policy and Procedures \[pdf\] \(/share/sites/www.swarthmore.edu.share/files/assets/documents/share/Updates_SAHP_Policy_and_Procedures_2018-2019.pdf\)](/share/sites/www.swarthmore.edu.share/files/assets/documents/share/Updates_SAHP_Policy_and_Procedures_2018-2019.pdf)

[Resources & Support ▾ \(/share/resources-support\)](/share/resources-support)

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Swarthmore College, 500 College Avenue, Swarthmore, PA 19081 Phone: [610-328-8000 \(tel:16103288000\)](tel:610-328-8000) [Submit Site Feedback \(/feedback-privacy\)](/feedback-privacy)

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