I. Statement of Purpose

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

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

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

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

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

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

II. Policy

Sexual assault, domestic violence, dating violence, and stalking violate the standards of conduct expected of every member and visitor within the College community and are strictly prohibited.

III. Definitions

Sexual Assault

Sexual assault includes any of the following:

A. Any intentional, unconsented touching, or threat or attempt thereof, of: (i) an intimate bodily part of another person, such as a sexual organ, buttocks or breast; (ii) any bodily part of another person with a sexual organ; or (iii) any part of another person's body in a sexual manner; or
B. Unconsented, inappropriate disrobing of another person, or intentional exposure of one's genitals to another without the other's consent; or

C. Forcing, or attempting to force, any other person to engage in sexual activity of any kind without her or his consent; or

D. Rape or Involuntary Deviate Sexual Intercourse as defined by the laws of the Commonwealth of Pennsylvania.

Consent

Consent for purposes of this Policy means permission. Consent shall have been deemed to have been given if the other person assents, through an affirmative, unambiguous, and voluntary statement or action, to the sexual gesture or activity. Silence, in and of itself, cannot be interpreted as consent. Assent shall not constitute consent if it is given by a person who is unable to make a reasonable judgment concerning the nature or harmfulness of the activity because of his/her intoxication, unconsciousness, mental incapacity, or if the assent is the product of physical force, threats, intimidating behavior, or coercion. Previous relationship and prior consent do not imply consent to future sexual acts and consent to one type of sexual activity does not imply consent to other forms of sexual activity. Consent can be withdrawn at any time. It is the responsibility of the initiator of sexual contact to receive consent and to make sure they understand fully what the person with whom they are involved wants and does not want sexually. Being intoxicated or impaired by drugs or alcohol is never an excuse for sexual assault, misconduct, or violence.

Domestic Violence

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

Dating Violence

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

Stalking

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

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

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

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

V. Resources and Support

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

A. Resources and Support for Victims / Complainants

The College recognizes that in instances of sexual assault, domestic violence, dating violence and stalking, assistance is both necessary and helpful. Victims are afforded options in seeking support services on- and/or off-campus. For the purposes of this Policy, the term “Response Coordinator” shall be employed in reference to the various College employees who are responsible for coordinating assistance and support for persons who report having been sexually assaulted or the victim of domestic violence, dating violence, or stalking, including matters relating to the person's physical and mental health, personal safety, and academic status resulting from such incidents.

The College makes every effort to maintain the privacy of victims seeking support services and, therefore, expects that those College personnel obtaining first notification of an alleged violation of this Policy will continue serving as the victim’s primary Response Coordinator. The Response Coordinator can be a Title IX Coordinator or Deputy Coordinator, or a person serving in the role of Sexual Assault and Sexual Harrassment (SASH) Advocate.
Title IX Coordinator and Deputy Coordinators
The Title IX Coordinator and Deputy Coordinators oversee responses to instances of alleged sexual assault, domestic violence, dating violence and stalking and other forms of gender-based discrimination when the College is notified and when such instances are under the jurisdiction of the College. The Title IX Coordinator and Deputy Coordinators are knowledgeable about federal laws and guidelines and College policies related to sexual assault, domestic violence, dating violence and stalking, and can provide appropriate support and resource referral, including options for, and available assistance in changing academic, living, transportation, and working situations. Contact information for Title IX Coordinators is available on the Sexual Violence Prevention, Education, and Response website at sash.lafayette.edu and later in this Policy.

SASH Advocates
SASH Advocates are members of the College faculty and staff who are trained to provide support services for victims/complainants and respondents in cases of sexual assault, domestic violence, dating violence, or stalking. Victims may choose to contact a SASH Advocate directly during normal business hours or reach an advocate serving in an emergency on-call rotation 24 hours a day. Contact information for SASH Advocates is available on the Sexual Violence Prevention, Education, and Response website at sash.lafayette.edu and later in this Policy.

In circumstances of sexual assault, healthcare providers can treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease. Victims of sexual assault, domestic violence, and dating violence can obtain medical treatment, including free rape kits and pregnancy tests through the Bailey Health Center. As time passes, evidence collected from medical examination may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a report or complaint regarding an incident, he or she nevertheless should consider speaking with the Office of Public Safety or other law enforcement representative to preserve evidence collected from medical testing in the event of a later change of mind. No victim will be required to press criminal charges even if he or she allows for the collection of evidence.

In addition, confidential support is available through licensed staff psychologists at the Lafayette College Counseling Center or through the College Chaplain’s office. Contact information for these resources is available on the Sexual Violence Prevention, Education, and Response website at sash.lafayette.edu and later in this Policy.

B. Resources and Support for Respondents

The College recognizes that respondents in reported instances of sexual assault, domestic violence, dating violence and stalking, may require assistance and support. Respondents may consult with the Title IX Coordinator or a Deputy Coordinator, or a SASH Advocate to be informed of available support services both on- and off-campus.

Title IX Coordinator and Deputy Coordinators
The Title IX Coordinator and Deputy Coordinators oversee responses to instances of alleged sexual assault, domestic violence, dating violence and stalking and other forms of gender-based discrimination when the College is notified and when such instances are under the jurisdiction of the College. The Title IX Coordinator and Deputy Coordinators are knowledgeable about federal laws and guidelines and College policies related to sexual assault, domestic violence, dating violence and stalking and can provide appropriate support and resource referral, including options for, and available assistance in, changing academic, living, transportation, and working situations. Contact information for Title IX Coordinators is available on the Sexual Violence Prevention, Education, and Response website at sash.lafayette.edu and later in this Policy.
Conduct Advisers for Respondents

Members of the College faculty and staff who are trained to provide support services for respondents in cases of sexual assault, domestic violence, dating violence, or stalking are available to serve as advisers throughout formal conduct processes. Respondents may request support from one of the College’s trained advisers or an adviser of their choosing. Contact information for Conduct Advisers for Respondents is available on the Sexual Violence Prevention, Education, and Response website at sash.lafayette.edu.

Confidential support is available through licensed staff psychologists at the Lafayette College Counseling Center or through the College Chaplain’s office. Contact information for these resources is available on the Sexual Violence Prevention, Education, and Response website at sash.lafayette.edu and later in this Policy.

VI. Reports and Complaints

The College strongly encourages persons who believe they have been the victim of sexual assault, domestic violence, dating violence, or stalking to bring this to the attention of appropriate College authorities in accordance with their wishes for privacy or confidentiality as outlined in this section of the Policy. The following procedures are intended to provide a prompt response to reports and complaints of sexual assault, domestic violence, dating violence, and stalking. They are designed to assure fairness, maintain confidentiality whenever possible, and to enable the imposition of appropriate sanctions on members of the College community who violate this Policy. In addition to consideration of the below procedures, an alleged victim shall be provided with information on and advice regarding medical, law enforcement, counseling, and other resources that are available to him or her.

Amnesty Statement

Sometimes, victims are hesitant to report to College officials an incident of sexual assault, domestic violence, dating violence, or stalking because they fear that they themselves may face disciplinary sanctions as a result of their own violation of College Policy. To encourage reporting, the College will generally not proceed with disciplinary proceedings against a victim of sexual assault, domestic violence, dating violence, or stalking for misconduct that occurred in relation to the reported incident provided the victim’s misconduct did not jeopardize the health or safety of others. The College may pursue educational remedies as appropriate to address the behavior covered under this amnesty statement.

A. Definitions

Report

For the purposes of this Policy, a “report” of sexual assault, domestic violence, dating violence, or stalking refers to verbal or written notice given by a victim or a third-party to a member of the College community designated as a responsible employee. A report is typically made for the purpose of seeking support and assistance for the victim. The victim may or may not intend that the College will investigate or pursue any further action.

Complaint

In this Policy, “complaint” refers to verbal or written notice to an appropriate member of the College community as outlined below by a victim or a third-party of an instance of sexual assault, domestic violence, dating violence or stalking normally for the purposes of investigating and/or pursuing further action in response to the instance of sexual assault, domestic violence, dating violence or stalking.
Complainants

This Policy refers to “complainants” as persons who issue verbal or written notice themselves or by witness or third-party of an instance of sexual assault, domestic violence, dating violence or stalking to an appropriate member of the College community normally for the purposes of investigating and/or pursuing further action in response to the instance of sexual assault, domestic violence, dating violence or stalking.

Respondents

This Policy refers to “respondents” as persons who are alleged to have committed an act or multiple acts of sexual assault, domestic violence, dating violence or stalking. Such persons will be subject to conduct processes as outlined in the faculty, employee or student handbooks.

B. Confidentiality

The College will seek to protect confidentiality for all parties involved in instances of sexual assault, domestic violence, dating violence and stalking to the extent possible and allowed by law. However different College employees have different abilities to maintain confidentiality. Many employees of the College are considered “Responsible Employees” and must share any information about a report of sexual assault, domestic violence, dating violence and stalking with the College’s Title IX Coordinator. This disclosure is required under Title IX and allows the Title IX Coordinator to make decisions about the best incident response.

This section of the Policy is intended to make the College community aware of the various reporting options available so that individuals can make informed choices about where to turn should they become a victim of sexual assault, domestic violence, dating violence or stalking or become aware of an alleged violation. The College encourages victims to talk to someone identified in one or more of these groups

Completely Confidential Support

Professional, licensed counselors and pastoral counselors who were hired to and are acting in the role of providing mental-health counseling or pastoral care to members of the College community are not required to report any information about an incident to the Title IX Coordinator without a victim’s permission. The following is the contact information for these individuals:

Counseling Center
Bailey Health Center 2nd floor
610-330-5005

College Chaplain
Interfaith Chapel – Hogg Hall
610-330-5959

Off-campus counselors, advocates, and health care providers will also generally maintain confidentiality and not share information with the College unless the victim requests such disclosure and signs a consent or waiver form or if the victim is deemed to be a threat to self or others. The following is contact information for these off-campus resources:

Crime Victims Council of the Lehigh Valley
1515 Northamiton Street
Easton, PA
610-436-6611
Some College employees can talk to a victim or other reporting person without being required by law to disclose personally identifiable information about the victim to the Title IX Coordinator. Victims can seek assistance and support from the employees listed below without triggering an investigation that would reveal the identity of the victim. These employees are only required to share a limited report to inform the Title IX Coordinator of the date, time, general location and nature of the sexual assault, domestic violence, dating violence or stalking on- or off-campus but, again, not information that would identify the victim. This general information is necessary in order for the College to track patterns appropriately, evaluate the scope of the problem, and formulate appropriate campus-wide responses. Before sharing the general report with the Title IX Coordinator, these employees will work with the victim to ensure that no personally identifiable details about the victim are shared. At the victim’s request, these employees may facilitate disclosing more detailed information to the Title IX Coordinator. The following is contact information for those who serve in this private reporting protocol:

**SASH Advocates**

sash.lafayette.edu

610-330-5964

**Responsible Employees**

Responsible Employee is a College employee who has the authority to redress sexual assault, domestic violence, dating violence or stalking who has the duty to report sexual assault, domestic violence, dating violence or stalking or other student misconduct, or whom a student could reasonably identify as having this authority or duty. According to this Policy, whenever a Responsible Employee becomes aware of any information related to a report of sexual assault, domestic violence, dating violence or stalking, the Responsible Employee, as a general matter, must share all relevant details about the alleged incident with the Title IX Coordinator. This information includes all the details necessary for the College to determine what happened, including the names of the reporter, victim, the respondent, and any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident. To the extent possible, information reported to a Responsible Employee will be shared only with people responsible for handling the College’s response to the report. A Responsible Employee will not share information with local law enforcement without the victim’s consent, or unless the victim has also reported the incident to law enforcement.

Before a complainant reveals any information to the Responsible Employee, the latter will do his or her best to ensure that the complainant understands the limitations for confidentiality and the obligations to disclose personally identifiable information to College officials. If the complainant prefers to consult with a more confidential resource person, the Responsible Employee should assist with an appropriate referral prior to the complainant’s disclosure of details pertinent to the instance of sexual assault, domestic violence, dating violence or stalking.

If the complainant decides to report an incident to a Responsible Employee, but requests that the Responsible Employee maintain confidentiality or requests that no investigation into the incident be conducted or disciplinary action be taken, the Responsible Employee should inform the complainant that the Title IX Coordinator will review the information and consider the request for such confidentiality/non-action, but that confidentiality/non-action cannot be guaranteed.
Although a Responsible Employee is required to disclose information as indicated above, a Responsible Employee will only provide support and resources and will not pressure a complainant and/or victim to make any particular decision.

Examples of Responsible Employees who must share details of any report with the Title IX Coordinator:

- Public Safety Officers or other Campus Security Personnel
- Resident Assistants and Residence Life Staff
- Faculty, including visiting faculty employed by Lafayette College
- Student Life Staff including Athletic Coaches & Trainers
- Club Advisors
- College Employment Supervisors

C. External Remedies

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

D. Formal Complaint Procedure

Persons wishing to file formal complaints internally to Lafayette College of sexual assault, domestic violence, dating violence, or stalking will be directed (and, whenever possible, escorted) to the Office of Public Safety, which is solely empowered or is the only authority for conducting an investigation of these complaints. The Easton Police will be contacted upon the complainant's request. If the formal complaint is made against a member of the Lafayette community, the Office of Public Safety will conduct an investigation. The Office of Public Safety will promptly inform the complainant, orally and in writing, of available support services and accommodations, as well as of legal and administrative options, including, where applicable, information on the availability of protection from abuse orders and prohibition from contact notices.

All formal complaints will be treated confidentially consistent with applicable legal requirements, as described above in Section VI.B., and customary law enforcement practices. The Office of Public Safety will work cooperatively with the Title IX Coordinator, a Deputy Coordinator and/or a designee, who has responsibility for coordinating assistance and support for persons who report having been victims of sexual assault, domestic violence, dating violence, or stalking. The Title IX Coordinator, a Deputy Coordinator and/or designee will work to ensure that the complainant's health, physical safety, and academic status are protected, pending the outcome of the investigation. The complainant will be informed about the outcome of the investigation by the Office of Public Safety.
VII. Disciplinary Proceedings

When appropriate, disciplinary proceedings will be instituted. While the College prefers to obtain the consent of a complainant before instituting disciplinary proceedings, there may be circumstances when the College will take action without consent.

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

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

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

A. Sanctions

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

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

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

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

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

IX. Title IX–Related Complaints

If the complainant or the accused feels that this policy or relevant procedures are not compliant with Title IX, or that the College has not carried out its duties appropriately as outlined in this policy, he/she may raise these concerns with the Title IX Coordinator or a Deputy Coordinator, the Vice President for Campus Life (for students), the director of Human Resources (for employees) or the President of the College. For information about Title IX, visit the DOE website (http://www2.ed.gov/policy/rights/guid/ocr/sex.html). Parties may also direct complaints to the Department of Education’s Office of Civil Rights at (202) 453-5900.