

A Resource Guide

for Considering your Options

Earlham
COLLEGE

Off-Campus Resources

In addition to the confidential and non-confidential resources on campus that are referenced in the *Getting Help* section of this document, here is a listing of off-campus resources.

Richmond Police Department, 50 N. 5th St. Richmond, IN.
911 (emergency) or 765.983.7247

Reid Health, 1100 Reid Parkway, Richmond, IN.
765.983.3000

Confidential Resources off-campus:

Genesis Shelter & Crisis Center, 15 S. 11th St. Richmond, IN.
765.935.3920 or 800.886.4508 (24 hrs.)

Intimate Partner Violence and Stalking Hotline: (24 hrs.)
800-464-8340

National Sexual Assault Hotline: RAINN (Rape, Abuse, and Incest
National Network) (24 hrs.) 800.656.HOPE (4673) or rainn.org

National Resource Center on Domestic Violence Hotline: (24 hrs.)
800.799.SAFE (7233)

If you or someone you know has experienced sexual misconduct or gender-based discrimination, you are not alone. As you think about how you want to respond, it is most important to do what is right for you. Please ask questions of any of the resources available to you on or off campus.

What is the difference between Title IX and The Clery Act?

Title IX is a federal civil rights law that prohibits sex/gender discrimination and applies to schools that receive federal funding. The Clery Act requires institutions of higher education to notify the community about certain public safety and crime prevention matters. The two laws are very different but have some important similarities, particularly after the Violence Against Women Reauthorization Act of 2013 amended Clery. More information on the intersection of Title IX and Clery can be found at: <https://www.notalone.gov/assets/ferpa-clerychart.pdf>

If I was sexually assaulted and tell someone, will the College send out an email about my assault?

The Clery Act requires institutions to issue timely warnings to the campus community about crimes that have occurred but may continue to pose a serious or ongoing threat to students and employees. This is typically done when it is clear and verifiable that a crime or threat of crime has occurred. In cases that are being investigated, and the information is not yet clear, the campus may not be notified. The Department of Public Safety is responsible for determining, through review of federal guidelines, if a timely warning must be sent out after a crime is reported, and must always withhold the names and other identifying information about victims as confidential. For more information on timely warnings, contact the Department of Public Safety at (765) 983-1400.

Table of Contents

<i>Getting Help</i>	2
<i>Additional Accommodations and Resources</i>	6
<i>Additional Information</i>	8
<i>Explanation of Procedures for Earlham's Investigations and Adjudications</i>	9
<i>FAQ's</i>	13
<i>Off-Campus Resources</i>	15

This is the link to the College's *Sexual Misconduct Policy*:

<http://www.earlham.edu/media/2748317/sexual-misconduct-policy.pdf>

or find it listed with other general College policy links at:

<http://www.earlham.edu/policies-and-handbooks/general/>

This is the link to the *Student Code of Conduct*, which includes a description of the discipline process:

<http://www.earlham.edu/policies-and-handbooks/community/student-code-of-conduct/>

FAQ's:

What is Title IX?

Title IX of the Education Amendments of 1972 is a federal civil rights law that protects people from discrimination based on sex/gender in federally-funded education programs and activities. As a recipient of federal funds, Earlham College must comply with Title IX.

What about LGBTQIA persons?

Title IX also protects members of this community from gender (or perception of gender/sexual orientation/identity) and sex discrimination.

when the College policies under investigation have been violated. If a violation is found, the sanctions are determined by a designated Earlham administrator or the Student Conduct Council;

- Sanctions for students found to have violated the Sexual Misconduct Policy include disciplinary warnings, probationary status, official College discipline, or suspension or expulsion from any or all Earlham College program(s) in which the responding party is enrolled or participating. It may also include other actions as deemed appropriate under the circumstances (such as remedies applied to the responding party to address the needs of the reporting party – including but not limited to housing changes, class changes, building restrictions, modification of No Contact Orders to favor the reporting party, and other actions to preserve the rights of the reporting party in a safe environment). Although sanctions for violation(s) of this policy can include any form of discipline stated in this section, a student found to have committed sexual assault involving penetration will ordinarily receive a sanction of suspension or expulsion;
- Sanctions for employees found to have violated the Sexual Misconduct Policy may include written reprimands, or suspension or termination of employment. Other measures (No Contact Orders or reassignments of duties or work areas) may be taken when appropriate.

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This notice of your rights and options is being provided to you because Earlham has received a report that you may have experienced sexual misconduct (including sexual harassment, assault, dating violence, domestic violence, or stalking). As you assess your needs, we hope this information about reporting, obtaining support, care, resources, and accommodations (including applicable Earlham and law enforcement procedures) and options will be helpful to you.



Getting Help

Seek Medical Attention: If you have experienced sexual misconduct (including sexual assault, dating violence, domestic violence, or stalking), we encourage you to seek immediate medical attention, even if you are not sure you have any physical injuries. The staff at Health Services (for students), or off-campus at Reid Health, can provide care for any physical injuries you may have sustained and can also test for sexually transmitted infections and/or pregnancy. If you have any questions about Reid Health or other off-campus resources, you can also consult with Health Services located on the first floor of Earlham Hall. Contact information is included on page 3.

Receive SANE Evaluation: A SANE (Sexual Assault Nurse Examiner) is a nurse who is specially trained to collect forensic evidence while providing compassionate, comprehensive care. Reid Health employs SANE nurses and will provide this exam if alerted that you have been assaulted. This evidence may be helpful to you now or in the future if you choose to file a complaint, and should be obtained as soon as possible after an assault. Try to preserve any evidence before your exam by not washing or changing clothes, brushing teeth or hair, eating, or other actions that might disturb evidence. Please place evidence (clothing, sheets, or used prophylactics) in a paper bag if one is available, instead of plastic. A SANE exam is recommended no later than 72 hours after an assault. Even if more than 72 hours have passed, it may still be possible to collect evidence, and it is certainly possible to receive medical care and testing. Collecting evidence in no way obligates you to file a complaint with Earlham or make a report to the police that will lead to criminal prosecution, but preserves this information in the event that you decide to do either of those things, or seek a protection order, at a later date.

Earlham utilizes trained, experienced investigators to conduct investigations into complaints of sexual misconduct, domestic violence, and/or stalking, and utilizes a trained panel on student conduct to make the official determination as to whether the policies under investigation were violated. All processes involve one-on-one pre-hearing meetings with investigators or administrators to which each party can bring a support person of their choice.

When a report of misconduct covered by the Sexual Misconduct Policy is made to one of the individuals listed in the “Filing a Report” section of this document, the process generally proceeds as follows:

- the assigned investigator interviews the parties and witnesses, and collects evidence;
- both parties are invited to review and comment upon the evidence;
- the investigator submits the report and the evidentiary materials to the Title IX Coordinator;
- both parties may meet with the Title IX Coordinator, Associate Dean of Student Life, and/or relevant administrator(s) before the final determination is made as to whether or not to proceed with the conduct process;
- If the case proceeds to the conduct process, both parties are provided with equitable appeal rights, as applicable, to the extent appeal rights are provided. The governing, detailed procedures are outlined further in the Student Code of Conduct;
- The College uses the preponderance of the evidence standard (that is, “more likely than not”) to determine

- provide both parties with the same opportunities to have others present during any related meeting, including the opportunity to be accompanied to any related meeting or proceeding by a support person of their choice;
- provide for simultaneous notification, in writing, to both parties of:
 - the result of College disciplinary proceedings;
 - the College’s procedures for the reporting party and responding party to appeal the result of College disciplinary procedures, if available;
 - the result when it becomes final, and any change to the result;
- are completed within reasonably prompt timeframes designated by the College’s policy, including a process that allows for the extension of timeframes for good cause with written notice to both parties of the delay and reason for delay;
- are conducted in a matter that is consistent with the College’s policies and transparent to both parties;
- include timely notice of a meeting at which the reporting party and responding party are directed to be present;
- provide timely and equal access to both parties and appropriate officials to any information that may be used during the process; and
- are conducted by officials who do not have a conflict of interest or bias for or against the reporting party or the responding party.

The language of Earlham’s Sexual Misconduct Policy prevails in specific cases over the language of the summary contained in this document.

Talk with a Counselor: Consider talking with a counselor, psychologist, or other mental health professional on- or off-campus. You may not feel ready to talk about what happened, but counselors can provide a confidential and safe space to explore any feelings or challenges that has arisen for you after your experience. See below for information about the Counseling Services Office (for students) or the *Employee Assistance Program* (for Earlham employees), along with other services available on campus and in the community.

Get Confidential Resources: Reporting to any of the following sources will be completely confidential. Personal information will not be shared by any of the following resources. Contacting one or more of these confidential resources in no way precludes you from choosing to make a report later.

Counseling Services – 1 st floor of Earlham Hall	765.983.1432
Health Services – 1 st floor of Earlham Hall	765.983.1328
Office of Religious Life – Virginia Cottage	765.983.1605
Employee Assistance Program	1.800.511.3920

Non-confidential Resources: It is important to understand that faculty and staff members are required by federal regulations to report information they receive about sexual misconduct, unless they are designated as a Confidential Resource. Information you share with an instructor, advisor, coach, Student Life staff member or others is not legally protected, and these individuals are required to disclose information to the Title IX Coordinator.

Filing a Report: We are deeply concerned when behavior that may constitute sexual misconduct comes to our attention. We strongly encourage you to file a report directly with the Title IX Coordinator, Stephanie Bishop. Other reporting options include the Office of Student Life or the Department of Public Safety. If

you have a concern about any form of sexual misconduct, a report can be formally submitted to one of the following trained administrative faculty members:

Stephanie Bishop, Director of Human Resources & Title IX Coordinator, West Basement of Carpenter Hall, 765.983.1628

Marcus McNeal, Assistant Director of Residence Life, 1st floor of Earlham Hall, 765.983.1836

Angie Hobkirk, Assistant Director of Residence Life, 1st floor of Earlham Hall, 765.983.1594

Chris Little, Director of Public Safety, Bolling House, 765.983.1400

Shane Peters, Associate Vice President of Student Life, 1st floor of Earlham Hall, 765.983.1317

If you are considering filing a complaint, but want to learn more about the College's process beforehand, you may request an information meeting with any of the above personnel. They can provide you with information about the College's response to sexual misconduct and discuss the range of options that campus community members have at their disposal.

and/or stalking also have the right to pursue orders of protection, restraining orders and/or relief from the Court system. Earlham will provide assistance, as requested, to individuals who wish to make contact with law enforcement authorities and other external resources to seek such orders, and Earlham will respect and assist with the implementation of protection orders to the extent practicable.

Privacy: Earlham College will not include personally identifying information about individuals when it completes publicly available recordkeeping, including Clery Act reporting and disclosures, and will maintain as private, any accommodations or protective measures provided to individuals to the extent that maintaining such privacy would not impair Earlham's ability to provide the accommodations or protective measures.

Explanation of Procedures for Earlham's Investigations and Adjudications

As referenced in the College's Sexual Misconduct Policy, and the Student Code of Conduct, Earlham's procedures:

- are prompt, fair, and impartial from the initial investigation to the final result;
- are conducted by officials who receive annual training on the issues related to dating violence, domestic violence, sexual assault, stalking, and on how to conduct an investigation and adjudication process that protects the safety of victims and promotes accountability;

Student Financial Aid assistance: If you have questions or concerns about student financial aid-related issues, please contact the Financial Aid Office at 765.983.1217. The Title IX Coordinator may also assist you with facilitating this process.

Additional measures: Other arrangements, such as workplace accommodations, or transportation options, may be permitted on a case-by-case basis, to provide students or employees with options to address their needs related to their experience. We encourage you to share your needs candidly with any of the individuals or offices identified in this document, as appropriate, so we can work with you to address them.

Additional information:

Evidence: In addition to trying to preserve any of the physical evidence referenced in the “Getting Help” information, try to preserve all evidence related to an incident or incidents, including any electronic information (text messages, social media posts, phone records, emails) or other documentation or materials. Even if you don’t feel like you want to pursue an internal or criminal proceeding or a protection order at this time, it’s a good idea to preserve the evidence in a safe place in case you change your mind at a later date. You may also want to consider writing down all of the details you remember about your experience(s) while they are still as clear as possible.

Orders of Protection: In addition to (or instead of) Earlham College’s processes, individual who are being, or who may have been, subjected to sexual assault, dating or domestic violence,

If you do not want to make a formal complaint, and decide that you do not want to participate further in any effort to see that disciplinary action against the accused student(s) is pursued, the following may take place: Earlham College is obligated to investigate all reports of sexual misconduct as required by law and will investigate to the extent of the information available to the College. If the investigator for the College obtains independent corroborating information of the misconduct reported, the College may determine it is necessary to go forward with the student conduct process without your involvement, or may implement other appropriate remedies, for the safety of other members of the campus community. Although you may determine that you do not wish to participate in the student conduct process, you will be notified if such an action occurs.

In addition, the College is required to document such a report for general Clery Act statistics. There will be no personally identifiable information shared for this report. Your identity will remain anonymous.

Filing a Report with the Police: You also have the option of filing a report with the Richmond Police Department (see contact information below). The Richmond Police may conduct an investigation based on potential criminal activity related to the situation reported. You might also consult with the Police about steps involved with seeking a protective order from a court. The Department of Public Safety will assist you in making contact with the Richmond Police if asked for assistance. You may also choose to initiate an independent legal action for damages against the accused. You would need to obtain legal counsel for this action.

Although you may choose not to pursue nor participate in disciplinary action initially, the College can still act on a complaint, formalize it, and pursue it. You may request further action at any future time, consistent with the College's policy. The longer the period of time elapsed from the time of the incident reported, the more difficult it will be to obtain information as individuals graduate or leave school, or physical evidence is no longer obtainable. However, this does not mean that a successful hearing is impossible. You are encouraged to meet with one of the administrative faculty members listed above at any time to discuss options, and you may be accompanied by a support person of your choice.

Retaliation Protection: Retaliation by Earlham, and/or by any member of the Earlham community, against someone because they have reported an incident or participated in an investigation is prohibited by Title IX legislation, the Clery Act, and by Earlham's own policies. Earlham will take steps to prevent retaliation and will take strong responsive action if it occurs. [See below for more on Title IX and Clery Act information.]

Additional Accommodations and Resources:

If you need additional support in the form of counseling, alternative housing options, academic accommodations, work accommodations, transportation situations, or other protective measures, you are encouraged to contact one of the above listed administrative faculty members so the College can work in a timely way to provide assistance.

Counseling on or off campus: Counseling Services offers short-term counseling to students. Earlham's Employee Assistance Program (EAP) provides confidential counseling to employees. There are also a number of counseling resources off campus. Earlham's counseling staff or the EAP can provide you with appropriate referrals.

Academic accommodations: If your experience is compromising your ability to meet your academic obligations, the Title IX Coordinator can work with you to arrange for appropriate and reasonable academic accommodations. These may include support to drop a class after the deadline, requesting incompletes, changes to your academic schedule, or other possibilities as appropriate.

No Contact Orders: No Contact Orders are Earlham's non-disciplinary measures to ensure that two or more individuals are not permitted to communicate directly or indirectly with each other for a period of time. In most cases, No Contact Orders are put in place at the request of one or both parties, but in some circumstances Earlham may put in place a No Contact Order to preserve the safety of the involved parties, other community members, or the integrity of an investigation or conduct process.

Housing accommodations: It is sometimes possible to relocate people on a temporary or permanent basis when two individuals' residential proximity feels unsafe or disruptive. Temporary accommodations may sometimes include providing a second residential space for an individual to access on a short-term basis.

Visa and Immigration assistance: If you have questions or concerns about how your experience and needs may intersect with your visa and/or immigration status, please contact the Center for Global Education at 765.983.1424.