

A Resource Guide for Students

Earlham
COLLEGE

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

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A Resource Guide for Considering Your Options

This notice of your rights and options is being provided to you because Earlham has received a report that you may be involved in an incident that possible may be a violation of Earlham's sex discrimination policy (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.

Earlham College Policy on Sex/Gender Harassment, Discrimination and Misconduct

Earlham College does not tolerate sex/gender harassment, discrimination or misconduct. All members of the College community, guests and visitors have the right to be free from all forms of sex/gender harassment, discrimination and misconduct, examples of which can include acts of sexual violence, sexual harassment, domestic violence, dating violence, and stalking.

Any member of our community, guests or visitors may be a victim of or perpetrator of unacceptable behavior and therefore this policy is gender neutral. All members of the campus community, guests and visitors are expected to conduct themselves in a manner that does not infringe upon the rights of others.

We respond to and investigate all reports of sex/gender harassment, discrimination and misconduct both in Richmond and in off-campus programs (subject to the laws and policies of particular countries and host institutions), and will report crimes to local law enforcement consistent with the wishes of the victim and in compliance with the law.

The College believes in zero tolerance for sex/gender-based misconduct. Zero tolerance means that when an allegation of sex/gender misconduct is brought to an appropriate administrator's attention (i.e. "notice"), protective and other remedial measures will be used to reasonably ensure that such conduct ends, is not repeated, and the effects on the victim and community are remedied, including serious sanctions when a responding party is found to have violated this policy.

This policy is not gender binary and is created to reaffirm the values of Earlham College and the principles of equity and fairness and to provide recourse for those individuals whose rights have been violated.

The College's sex/gender harassment, discrimination and misconduct policies are not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include controversial or sensitive subject matters protected by academic freedom. Academic freedom extends to topics that are pedagogically appropriate and germane to the subject matter of courses or that touch on academic exploration of matters of public concern.

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

<https://earlham.edu/policy/sexual-harassment-policy/>

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;
- ✚ 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 have an option to be present;
 - ✚ provides 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.

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.

Parties are able to bring one (1) support person of their choosing to any and all meetings with any member of the Title IX team.

Here is a link to Earlham's procedures:

<https://earlham.edu/policies-handbooks/student-handbook/>

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.

Earlham's Title IX Coordinator:

Bonita Washington-Lacey
Interim Director of Title IX
Earlham Hall, Office 103
washibo@earlham.edu
765-983-1317

You also have the option of filing a complaint online through the Title IX website:
www.earlham.edu/office-of-title-ix.

If you have any questions, or want to learn more about the College's process beforehand, you may request an information meeting with the Title IX Coordinator who will provide you in-depth information on the policy, procedures, and resources available.

Filing a Report with the Police

You also have the option of filing a report with the Richmond Police Department. 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.

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.

Tools for 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.

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 Ziploc 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.

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 have arisen for you after your experience.

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](#) – 1st floor of Earlham Hall
765.983.1432

[Health Services](#) – 1st floor of Earlham Hall
765.983.1328

[Office of Religious Life](#) – Virginia College
765.983.1605

Non-confidential Resources

It is important to understand that Administrative Faculty, Teaching Faculty, Non-Student Staff, Resident Assistants, and Teaching Assistants are considered Responsible Employees or Managed Reporters. This means that any information they become aware of that involves Title IX related matters, they are required to share that information with the Title IX Coordinator.

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 the Title IX Coordinator. The Title IX Coordinator will assist you with any interim measures or accommodations that you may need.

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.

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 with options to address their needs related to their Title IX 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.

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.

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.

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.

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