

Earlham
COLLEGE

2024

Annual Security and
Safety Report



Friends,

In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act) and the safety-related requirements of the Higher Education Opportunity Act (including the Violence Against Women Reauthorization Act of 2013 amendments to the Clery Act and provisions of The Campus Sexual Violence Elimination (SaVE) Act), the Earlham College Department of Public Safety produces an Annual Security and Safety Report. The Department of Public Safety works with many other departments and agencies, such as the Office of Student Life, Human Resources, and the Richmond Police Department to compile the information contained in the report.

The report¹ includes policy statements and specific information regarding the College's procedures, practices, and programs concerning safety and security. It includes information about the services and programs of the Department of Public Safety and details the process by which persons can report and prevent crimes or suspicious activity. The report provides information about programs the College provides to prevent the abuse of drugs and alcohol as well as awareness, prevention, and response to all forms of sexual misconduct. The report also includes three years' worth of statistics for particular types of crimes that occurred on campus, fire safety data, policies, procedures, and systems. We encourage members of the Earlham community to use this report as a guide for safe practices on and off campus.

Developing a safe and secure environment in an academic institution is a partnership. Within the Earlham College community, the Department of Public Safety is tasked with the primary responsibility of identifying those programs, methods and tactics necessary to assist the entire College community in reducing risk, and achieving a safe and secure environment. In order to maintain such an environment, we encourage every member of the community to learn and demonstrate responsible personal behaviors regarding safety and security at all times and to immediately report crimes or suspicious activity.

A copy of this report will be provided to anyone upon request. An electronic copy can be viewed at the following web address: <http://www.earlham.edu/public-safety>

We hope that this report helps demonstrate that Earlham College is a place where students and their families can be confident of their safety and invite any questions or comments.



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¹ This report complies with regulations from the United States Department of Education, which implement the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act") 20 U.S.C. 1092 (a) and (f); 34 CFR 668.46

INTRODUCTION

The mission of Earlham College Department of Public Safety is to work in partnership with the campus community to enhance a safe living, working, and learning environment; to provide quality service with an emphasis on integrity and professionalism; and, to promote individual responsibility and cooperative commitment.

For purposes of the "Clery Act," Earlham College reports security procedures and crime statistics for the following locations:

Earlham College, 801 National Road West, Richmond, IN 47374

Earlham School of Religion, 228 College Avenue, Richmond, IN 47374

Bethany Seminary², 615 National Road West, Richmond, IN 47374

DEPARTMENT OF PUBLIC SAFETY – SERVICES AND PROGRAMS

Operating 24 hours a day, 365 days a year, Public Safety may be reached at: 765-983-1400

The duties of the Department of Public Safety include, but are not limited to, rendering assistance in case of an emergency; responding to a request for service; conducting investigations when appropriate as requested by the administration; aiding in quelling any disturbances; providing requested safety escorts; managing electronic door access; issuing employee and student ID cards and keys; managing and enforcing campus parking regulations; and, opening and securing campus buildings as needed. Public Safety also enforces all rules and regulations, including the proper use of buildings and facilities.

PATROL AND OTHER SERVICES

Public Safety performs the following activities to detect and deter crime for the safety and security of the Earlham College community:

Public Safety Patrols – Uniformed Public Safety officers patrol all Earlham College buildings, parking areas and campus grounds, as well as Bethany Seminary 24-hours per day to deter crime. Public Safety student workers supplement staff members and provide parking enforcement. Employees of Public Safety are not law enforcement officers and do not have police arresting authority. Their functions include: assuring the safety of the community members on campus, making periodic inspection tours of buildings and grounds, guarding against fire, theft and illegal entry, enforcing traffic and parking regulations, and aiding in maintaining an orderly campus environment.

² Bethany Seminary is a separate institution not affiliated with Earlham College, for which Earlham College provides security services. Specific policy statements of Bethany Seminary, in regards to the Clery Act, Violence against Women's Act and Title IX, are published separately by Bethany Seminary.

Officers are designated representatives for the College and are authorized to ask individuals (students, employees and visitors) for identification and assistance in the course of carrying out their duties with the expectation of compliance. When necessary, Public Safety will notify law enforcement authorities of persons unlawfully or illegally in buildings or on College grounds, being uncooperative, or involved in criminal activity.

Electronic Access Systems – Public Safety manages and monitors the electronic door access system of the campus. This system allows only those individuals with programmed access on their student or employee ID card to access a building (via proximity card).

Safety Escorts – Public Safety officers will provide an escort to a car, campus residence or other on-campus destination to any student, employee or visitor upon request.

Alerts to the College Community – By monitoring local law enforcement information as well as communications with the Wayne County Emergency Communications Center, Public Safety is usually aware of crimes around the campus that threaten the Earlham College community, as well as weather conditions that could produce dangerous conditions. When circumstances are appropriate, Public Safety notifies the College community by coordinating with the Emergency Response and Recovery Planning Team (ERRP), Marketing and Communications Office, Student Life, and Residence Life. Communications occur via any or all of the following mediums: Rave© emergency messaging system, Earlham College website, campus-wide-email, text messaging, and postings in campus buildings.

HOW TO REPORT A CRIME OR EMERGENCY

If members of the Earlham College community become victims of a crime, they should report it immediately to the Department of Public Safety, regardless of how small the incident may seem. Any suspicious persons or activities should always be reported immediately to Public Safety. Alternatively, reports of criminal or suspicious activity can be made to designated persons, such as “Campus Security Authorities,” who are listed below. They in turn will immediately notify Public Safety of the incident or event.

Upon notice of such activity, Public Safety personnel will respond to the incident scene or notify the appropriate emergency response agency. All calls or requests are documented and, when appropriate, recorded on an incident report.

To report a life-threatening emergency or incident in which fire, police or emergency medical services are needed, call 911 immediately and then notify Public Safety.

Public Safety can be contacted 24-hours per day, seven days per week; in person at the Public Safety office or by phone at 765-983-1400 (ext. 1400 from a campus phone). The Department of Public Safety maintains direct contact with the Richmond Police and Fire departments. Support from these departments can be obtained immediately.

Listed below are additional contacts to which a crime can be reported (Campus Security Authorities, “CSAs”):

VP of Student Life/Dean of Students at 765-983-1311

Associate VP of Student Life/Director of Residence Life at 765-983-1317
Associate Director for Residence Life at 765-983-1317
Assistant Director for Residence Life and Housing Operations at 765-983-1317
Area Directors/Hall Directors, Coaches, Resident Assistants for student housing

CONFIDENTIALITY

A complainant's privacy concerns are weighed against the needs of Earlham College to respond to certain incidents and crimes. To the greatest extent possible, all reports will remain private. However, information may be shared with appropriate personnel, departments and agencies under a need-to-know basis when it pertains to investigative needs and safety concerns of the campus community.

Information reported to Public Safety is treated as confidential during the investigative phase, except as required by law. When major incidents occur or there may be a threat to life or property, the Richmond Police Department may also respond.

Applicable Public Safety incident reports are forwarded to appropriate campus department offices for review and potential action. Public Safety, Student Life, or Human Resources will investigate a report when it is deemed appropriate. Additional information obtained via the investigation may also be forwarded to the appropriate campus personnel or offices.

Members of Counseling Services, Health Services, Religious Life, and the Ombudsperson are considered Confidential Resources. Confidential Resources operate with statutorily-protected confidentiality. If a student discloses a crime in the context of their counseling session, Confidential Resources are not obligated to report this information. Health and Counseling Services can be contacted at 765-983-1432. Religious Life and the Ombudsperson can be reached at 765-983-1413. For incidents of sexual harassment, Title IX can be contacted for support at 765.983.1311. Title IX is not a confidential resource but operates on a limited need-to-know basis. All Confidential Resources and Title IX can be contacted after hours by Public Safety.

ANONYMOUS REPORTING/INFORMATION

The Earlham College Department of Public Safety depends on the community to report crimes promptly and support crime prevention efforts. If crimes go unreported, little can be done to prevent other members of our community from becoming victims. You can help by reporting suspicious and criminal activity immediately.

Public Safety offers an [Anonymous Tip](#) form to report possible crimes, planned crimes, law/policy violations and/or crime information. The information will be forwarded to Public Safety through a 3rd party site, with no identifying information attached.

You are always encouraged to provide your name and contact information with the information you submit, in case Public Safety has questions or needs clarification about the information submitted, although this is not required.

The online form is NOT to be used where you expect a Public Safety officer to contact you the same day (if information is provided) or for an emergency situation.

If you need an Earlham Public Safety officer to respond, call 765-983-1400, 24 hours a day.

ALL LIFE-THREATENING EMERGENCIES SHOULD BE IMMEDIATELY REPORTED TO 911

RELATIONSHIP WITH LOCAL LAW ENFORCEMENT AND LEGAL AUTHORITY

The Department of Public Safety maintains a working relationship with the Richmond Police Department, Wayne County Sheriff's Office, and all appropriate authorities of the criminal justice system. Meetings are held as needed with these agencies, both on a formal and informal basis. Crime-related reports, statistics and crime-fighting strategies are exchanged when available. While Earlham College has no Memorandum of Understanding (MOU) with any response agencies, the Richmond Fire and Police Departments includes the College as part of their emergency response obligation and also provides assistance and support to the Department of Public Safety when requested. All criminal incidents and arrests made on College property are processed by the Richmond Police Department. Public Safety does not have law enforcement authority, but has the common-law authority to detain and investigate persons who commit crimes on campus. It then transfers the detained persons to local law enforcement.

CRIME REPORTS

The Department of Public Safety maintains statistics on crimes and other incidents occurring on campus. Representatives of Public Safety are available to discuss crime statistics and to answer questions about security on campus.

Public Safety compiles these statistics and shares them with the community in the following ways:

Incident Report - A record that documents pertinent information for each reported incident (incident reports are not released to the general public).

Daily Crime Log - A record of reported incidents is available to the public at the Department of Public Safety during normal business hours, 8:30 a.m. to 4:30 p.m.

Campus Annual Security Report - A comprehensive annual report of crime-related information and statistics is compiled, published and distributed by Public Safety to current and prospective students and employees. Public Safety compiles the statistics from its own incident reports, from Campus Security Authorities, Student Life and Human Resource records and from local law enforcement. This report is made available online and in paper copy. A copy can be obtained at the Department of Public Safety.

TIMELY WARNINGS AND EMERGENCY NOTIFICATION

The College will immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate or imminent threat to the health or safety of students and/or employees occurring on campus, unless the notification will compromise efforts to contain the emergency.

Information will be distributed via a Timely Warning or an Emergency Notification.

In the event of an imminent threat to the College community, an Emergency Notification will be issued. Without delay, the Director of Public Safety or designee will inform and initiate a call-out of the Emergency Response and Recovery Planning (ERRP) Team. Incident specific personnel and key members of ERRP will promptly create the appropriate message(s) to alert and instruct the Campus community. In immediate life-threatening instances the Department of Public Safety may send a message directly via a Rave© notification. The content of notification messages will take into account safety of the community, unless issuing notification will, in the professional judgment of our campus authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency. The Wayne County Emergency Operations Center will be the source for issuing any and all emergency notifications such as declarations of Tornado Warnings by the National Weather Service.

A Timely Warning will be issued to the community when incidents of criminal activity, specifically the crimes reported on our statistics page, occur on campus or within the immediate proximity of campus. Timely Warnings may also be issued when instances of criminal behavior pose a potential on going threat to the community. Timely Warnings differ from Emergency Notification by the degree of imminent threat.

What type of instances may initiate an Emergency Notification?

Emergency Notifications will be sent to the community when an imminent threat is perceived to the community. Instances may include severe weather, earthquake, gas leak, terrorist incident, armed intruder, bomb threat, explosion, a nearby chemical or hazardous waste spill, or health emergencies.

How are Notifications Sent?

Multiple modes of communication will be utilized via Rave© for the notification including text messages, e-mail, and phone calls. Additionally, follow-up information may be provided by the Director of Media Relations on the campus main webpage. In the event of an approaching tornado the Wayne County Emergency Operations Center will activate a warning siren. The Department of Public Safety will send an emergency notification via Rave© to the campus for tornado and upon the National Weather Service issuing certain other severe weather warnings for the Earlham area. All students are required to provide emergency contact information during New Student Orientation to facilitate delivery of emergency notification messages. Employees enter emergency information upon hire. Students and employees are asked to periodically update their emergency information, which is available through The Heart web portal.

Timely Warnings are sent by campus-wide email and may be posted on the Public Safety webpage. Timely Warnings are not normally sent via text message as text messages are reserved for instances when an imminent threat is perceived.

Testing of our emergency notification system is advertised and performed regularly.

EMERGENCY MANAGEMENT – RESPONSE AND EVACUATION

The Earlham Department of Public Safety coordinates college and community emergency response utilizing the College Crisis Management Plan. Each year the Emergency Response and Recovery Planning (ERRP) Team conducts annual testing of response and evacuation procedures via a tabletop exercise, functional exercise and /or a practical exercise. Public Safety provides training and information on how to report an emergency, preparedness, response, evacuation, and recovery to college departments and all new employees via orientation training. Each division is charged with development and implementation of response, evacuation and business continuity in conjunction with College Crisis Plans. Earlham Public Safety conducts announced campus wide annual testing of our Emergency Notification System, and further conducts fire safety and evacuation drills each semester in residential buildings including training on how to report an emergency. All tests and drills are documented with date, times, and circumstances involved with the tests.

EMERGENCY PROCEDURES

A comprehensive list of Emergency Procedures including what to do in the event of imminent threat is included on the Public Safety website. Some examples of emergencies include; Acts of Violence, Fire, Chemical Spill, Fire, Bomb Threats, Weather Emergencies, and Medical Emergencies.

See the College's Emergency Procedures at <https://earlham.edu/public-safety/emergency-preparedness/>, or by contacting the Department of Public Safety at 765-983-1400, or visiting our office.

All student housing rooms also have emergency procedures posted on the back of each room door.

ACCESS TO AND SECURITY OF CAMPUS BUILDINGS

Earlham College is a private, liberal arts college that restricts access to all facilities, including residence halls, to Earlham College students, faculty, staff, and guests.

Exterior doors to all campus residence halls and houses are designed and equipped to remain locked 24 hours a day. Additionally, Public Safety and Residence Life staff patrol the residence halls.

Administrative and academic buildings are secured after their scheduled use times. After that time, access is limited to persons with authorized keys/cards or who have received permission for special use. Public Safety patrols all facilities seven days per week.

The Department of Public Safety is the only entity that may make changes, additions, or alterations to College-approved or installed access systems (mechanical or electronic).

Hasps, padlocks, or other privately supplied locking devices are not allowed. These devices will be removed by Public Safety and the department or individual responsible will be charged for all costs incurred.

The Department of Public Safety as well as Facilities/Maintenance personnel have access to all areas of the campus with the exception of specifically identified restricted or high security areas.

In order to protect the safety and welfare of students and employees of the College and to protect the property of the College, any person(s) on Earlham College property behaving in a suspicious, disruptive or threatening manner may be asked to identify themselves by a College official.

If any person refuses or fails upon request to present evidence of his/her identification and proof of his/her authorization to be in the building or on the campus, or if it is determined that the individual has no legitimate reason to be in the building or on campus, the person will be asked to leave and may be removed from the building or campus. Richmond Police may be called upon if necessary and the individual issued a Trespass Warning.

Persons who behave in a suspicious or threatening manner or are involved in suspicious or threatening activities should be reported to Public Safety.

SECURITY CONSIDERATIONS

Proper lighting and building security are major factors in reducing crime on campus. Earlham College maintains the College buildings and grounds with a concern for safety and security. Inspections of campus facilities are conducted regularly, and repairs are made as quickly as possible. All members of the campus community are encouraged to report safety hazards, such a broken locks and windows, to Facilities office or the Department of Public Safety.

Public Safety completes campus lighting checks and Facilities is notified when there are burned out or damaged street and building lights. This inspection ensures maximum lighting for the public at night.

To prevent injury and promote campus safety, select members of the campus community are invited to take part in occasional lighting tours of campus. Together, students and staff tour the campus in small groups—after dark—to look for any lighting issues, obstacles, and other items that could impede someone's safety on the campus. After the tour, notes are collected, compiled, and shared with attendees and forwarded to the appropriate departments. Shrubs are trimmed, lights changed, and improvements made to make a safer environment for the campus community.

Keyed locks and electronic door (card) access devices must be secured at all times. It is the policy of the College that assigned keys and ID cards should remain in the care, custody and control of the assigned employee/student and not be given to other individuals. Any violations of this policy can result in disciplinary action.

CRIME PREVENTION AND SECURITY AWARENESS PROGRAMS

It is the philosophy of Public Safety that it is better to prevent crimes rather than react to them. In order for crime to take place three ingredients must be present; desire, motivation and opportunity. Earlham College's crime prevention and personal security programs are based on the concepts of eliminating or minimizing opportunities for crime. We encourage the members of the campus community to share in the responsibility for their own security and the safety of others by eliminating opportunities for crime. The following is a list of some of the crime prevention and personal security programs provided by the Public Safety Office:

New Student Orientation – Information on the services offered by Public Safety as well as general crime prevention material is made available to students checking in during New Student Orientation.

Residence Hall Security Awareness – Crime prevention and personal security presentations are conducted for residential students at the request of Residence Life or the Student Life staff. Additionally, brochures and other printed materials are available to residents of the Residence Halls, College Housing and off-campus residents. The materials include a description of services provided by the Department of Public Safety as well as crime prevention and personal security strategies.

Other Crime Prevention and Personal Security Presentations - These presentations are available upon request to other campus groups including commuter students, disabled students, international students, specific student organizations, faculty and staff members and staff members of affiliate organizations headquartered on campus. The presentations are accompanied by printed materials and include most of the same content as in the presentations mentioned above.

New Employee Orientation - Crime prevention and personal security presentations are made to new employees at the request of Human Resources or Academic Affairs. These programs include general crime prevention and personal protection strategies as well as the services offered by Public Safety.

Safety Escorts - Safety escorts are provided to students, employees and visitors around campus 24 hours a day. Call for an officer to walk with you to your destination at 765-983-1400.

Operation Identification – Operation Identification is a program centered on the idea of making property less desirable to would be thieves by marking valuables in a way that they can be identified. Public Safety offers this service of engraving identifying information on valuables free to students and employees.

Blue Light Phones and Emergency Call Boxes – Blue Light Phones and emergency call boxes are installed around campus for emergency or other assistance, including at the entrance to every residence hall.

Bicycle Registration – Public Safety offers free bicycle registration for students and employees in which identifying information on the bicycle is provided to Public Safety at which time a registration sticker is affixed to the bike. Should the bike become lost, stolen, or recovered, this service will aid in returning the bicycle to its owner.

MISSING STUDENT NOTIFICATION POLICY AND PROCEDURES

Definition of a Missing Student: any person who is a student of Earlham College who resides in college owned housing and is reported missing from their residence.

If it is believed that a student is missing, immediate referral to Public Safety is required. If it is determined a student has been missing for more than 24 hours, or is an imminent danger, the Richmond Police Department will be notified.

Reporting Procedure:

Dial 911 for life-threatening incidents requiring fire/police/medical assistance.

Call Earlham Public Safety at 765-983-1400.

You may also choose to contact:

Division of Student Life/Dean of Students Office

Location: East Wing, Earlham Hall

Phone: 765-983-1311

This office will make immediate notice to Public Safety when a student has been reported missing.

Missing Student Procedure:

Upon receipt of information concerning a possible missing student from any office on campus, Public Safety or Student Life should be notified. Immediate attempts will be made to locate the student. Officials will attempt to determine the last known whereabouts of the student using resources available to them, including but not limited to:

1. Questioning roommates, friends, Faculty/Staff
2. Calling and/or texting the student's "local" number, in most cases this is the student's cell number provided during registration
3. Determining the location and time of the most recent use of the Card Access System
4. Vehicle location: Checking of parking registrations, tickets, etc.

Consulting with the Student Life Office in order to update them and receive additional consultation. The Dean of Students will ascertain if/when other members of the Administration and/or College ERRP team will be notified.

Public Safety Officers or Student Life staff will follow up on any information that may lead to determining the current location of the student.

No later than 24 hours after determining that the student is missing, notification must be made to the “Emergency Contact.”

For those students who are under age 18, and not emancipated, the institution must notify a custodial parent or guardian when the student is missing, in addition to any additional contact person designated by the student.

Regardless of whether the student has identified a contact person, is below the age of 18, or is an emancipated minor, if a student is missing, the Public Safety Office should be notified.

Public Safety will notify Richmond Police, no later than 24 hours after determination of a missing person from campus. If abduction is suspected, a thorough and aggressive investigation will commence immediately utilizing all the resources of all agencies.

Once the student has been located, notification will be made to those College offices involved, as well as any additional law enforcement agencies that have been made aware of the missing student.

Students have the option to provide an Emergency Contact Person and a Confidential Missing Person Contact. The Confidential Missing Person contact may be the same or different from Emergency Contact Person. The Missing Person Contact is the person that will be contacted in the event the student is reported missing, within 24 hours of the report.

Students may add or update their Emergency Contact Person and/or their Missing Person Contact via their “Self Service” section on The Heart web portal. This information will be registered confidentially and the information will be accessible only to authorized campus officials and will not be disclosed except to law enforcement individuals in furtherance of a missing person investigation.

If a student is under the age of 18 and not emancipated, the institution must notify a custodial parent or guardian when the student is missing, in addition to any additional contact person designated by the student.

ALCOHOL AND DRUG ABUSE PREVENTION: POLICIES, PROCEDURES, PROGRAMS

EARLHAM COLLEGE APPROACH TO ALCOHOL

Earlham College's approach to alcohol is designed to help students reflect on whether alcohol should be a part of their lives and, for students who do choose to consume alcohol, how to do so responsibly.

This approach encourages healthy lifestyles and supports students in their efforts to be accountable to each other for their actions related to alcohol use. We recognize that our community encompasses students below and above the legal drinking age of 21.

Earlham College acknowledges the developmental value of self-determination regarding the personal use of alcohol. Our approach seeks to ensure that alcohol neither becomes the focus of the College's social life nor detracts from its educational mission.

The approach is designed to achieve the following goals:

1. Educate the Earlham community to recognize that students are responsible for their own well-being and the well-being of others.
2. Educate the Earlham community regarding the fundamental impacts of the abuse of alcohol on health and social relationships.
3. Promote personal responsibility in the use of alcohol.
4. Provide support resources for students struggling with alcohol-related concerns.
5. Promote an environment free from social pressure to use alcohol.
6. Reduce the negative secondary consequences of the illegal use or abuse of alcohol on the community.
7. Educate students regarding the value of and respect for public, community and individual living spaces, and the ongoing responsibility to care for them.
8. Foster an environment of open dialogue regarding the use of alcohol.
9. Ensure the existence and maintenance of alcohol-free spaces and social functions.
10. Comply with the Drug Free Schools and Community Act of 1989 and provide information regarding federal, state and local laws related to the use, possession and/or distribution of alcohol.

HEALTH AND ALCOHOL USE

Significant health risks associated with the abuse of alcohol are widely acknowledged. The College provides accurate, evidence-based information related to the impacts of alcohol abuse on academic performance, health and community life to students throughout their enrollment. In addition, the College expects students to take an active role in educating their peers about alcohol use.

Students may obtain more information regarding alcohol and health from Student Health Services as well as the following sources:

- Centers for Disease Control and Prevention
- College Drinking — Changing the Culture
- Substance Abuse and Mental Health Services Administration

ALCOHOL EDUCATION AND RESOURCES

All incoming Earlham students are asked to complete “e-CHECKUP TO GO,” an evidence-based online program, as part of alcohol education. This occurs prior to students receiving their initial housing assignment. The College also provides ongoing education beginning at New Student Orientation, whether through programs, peer education or more in-depth assessment. Earlham’s Health Services, Counseling Services and Wellness Programs also conduct assessments and/or programming throughout the school year. Students in need of more personalized intervention may contact Counseling Services for confidential counseling or referral for clinical treatment, including inpatient services or other off-campus support.

MEDICAL AMNESTY

The purpose of Medical Amnesty is to remove barriers to help-seeking and, thereby, to increase the likelihood that students who require emergency medical assistance as a result of high-risk alcohol consumption will receive such assistance.

Individuals who become incapacitated, seriously injured, unconscious or are otherwise unable to care for themselves following alcohol consumption should never be left alone; they require immediate medical assessment and intervention. Therefore, students who seek medical assistance for themselves or others will not be subject to disciplinary sanctions related to the consumption of alcohol. This medical amnesty applies only to the consumption of alcohol. Students will remain liable under the Student Code of Conduct for secondary behavior that might occur while intoxicated, including, but not limited to, property damage, assault against another person or sexual misconduct.

INDIANA LIFELINE LAW

If students are not on College property, they are still urged to seek help for themselves or others. Within the State of Indiana, the Lifeline Law provides immunity for the crimes of public intoxication, minor in possession, minor in consumption, and similar laws, to persons who identify themselves to law enforcement while seeking medical assistance for a person suffering from an alcohol-related health emergency.

In order to receive immunity, the reporting individual must demonstrate that they are acting in good faith by fulfilling the following expectations:

- Providing their full name and any other relevant information at the request of law enforcement officers.
- Remaining on the scene until law enforcement and emergency medical assistance arrive.
- Cooperating with all authorities on the scene, remain until dismissed by the officers.

The Indiana Lifeline law will not interfere with law enforcement procedures or limit the ability to prosecute for other criminal offenses such as providing alcohol to minors, operating vehicles while intoxicated, or the possession of a controlled substance. Earlham College acknowledges this source from the State of Indiana.

GUIDELINES FOR ALCOHOL USE AT EARLHAM COLLEGE

In order to support a community with diverse cultural values, the presence of alcohol should not be at the center of events, parties or other social gatherings. Every member of the Earlham community is responsible for maintaining an environment that prioritizes academic success.

The College will ensure the existence and maintenance of alcohol-free areas and social functions. Individuals publicly under the influence of alcohol at College- sponsored events, student-sponsored activities or College-owned House gatherings may be asked to leave that event.

Alcohol Consumption and Conduct

The Earlham College Approach to Alcohol is the result of extensive consultation with students, faculty, staff, alumni and the Board of Trustees. This approach includes national research regarding alcohol use among college and university students, as well as data from the Earlham community. What follows reflects our expectation of personal responsibility and community care.

All members of the Earlham Community are expected to review the guidelines for the use of alcohol and to provide appropriate identification and/or proof of legal age when requested by campus officials. Students whose guests include those not enrolled at Earlham are responsible for informing guests of the guidelines and ensuring their cooperation with staff as requested. Students entrust one another with a high degree of personal choice and an equal degree of accountability whenever alcohol is present. Every student is responsible for understanding and abiding by this approach.

Students of legal age who consume alcohol are best guided by the phrase: “personal use in personal space.” ‘Personal use’ denotes the individual consumption of a reasonable quantity of alcohol that may be safely consumed by that individual. The possession or use of common source alcohol containers, e.g., kegs, pony kegs, beer balls, cases of alcohol or any other large scale container, is prohibited. Additionally, personal consumption should reflect the spirit of the Earlham College Approach to Alcohol with its emphasis on health and accountability. Therefore, high-risk use is considered to be abuse. Drinking games, funnels, doing ‘shots’, stands and any coercion or other pressure to abuse alcohol is prohibited.

Providing alcohol to students under the age of 21 is prohibited. Students over the age of 21 who provide alcohol to underage students in any manner may be administratively moved from their housing assignment and will face disciplinary action. Alcohol may not be sold or purchased on any College property, including living spaces; no fee, charge or donation to any activity where alcohol is present is permitted.

Earlham College Grounds and Alcohol

Students are reminded that alcohol is permitted for personal use in personal space. ‘Personal space’ is defined as one’s living space only. Therefore, alcohol in or on other locations, including vehicles or personal property is not permitted. The possession and/or consumption of alcohol in public, within academic and co-curricular buildings, athletic and equestrian facilities, barns and maintenance facilities, and outdoor spaces or any other location other than those areas permitted, is prohibited.

Additionally, operating or riding bicycles, skateboards, or operating any motor or electric vehicles while under the influence of alcohol is prohibited.

Residence Halls

Students who are 21 years of age or over may consume alcohol within their residence hall rooms only, unless they are residing in First Year halls. Alcohol is not permitted in common areas such as hallways, stairwells or elevators, lounges, kitchens or similar areas, including balconies. No alcohol (including empty containers, trophies, etc.) is permitted in the First Year halls. Events in other residence halls must be hosted in compliance with the event registration process.

College-owned Houses

Students residing in College-owned houses may determine where alcohol may be possessed or consumed within the house by residents of legal age through consensus as a living group. Alcohol may not be possessed or consumed on any porches, balconies, fire escapes, roof/attic areas, stairs or the basement areas of the houses. No fees, charges or donations may be taken or accepted at College-owned house events where alcohol is present. Empty containers in prohibited areas are prohibited. Empty containers or 'trophies' in the possession or living space of students under the age of 21 are prohibited. Events at all College-owned houses must be hosted in compliance with the event registration process.

The Office of Residence Life is responsible for designating residence halls and College-owned houses as alcohol-free or alcohol-permitted. The Office of Residence Life will consult with appropriate committees and bodies in making this designation, keeping relevant laws and policies, residential changes, and the needs of the College in mind.

Students are expected to review their Housing Agreement carefully regarding conditions under which alcohol is permitted. Students may be administratively moved from their current assignment (including termination of the agreement) and/or face disciplinary action, if they are in violation of the agreement.

Off-Campus Regulation

The College does not seek to regulate the personal use of alcohol off campus by faculty, students of legal drinking age and staff. However, the College does expect all community members to observe relevant laws under all circumstances, notably the proscription against serving alcohol to minors.

Leaders and participants of off-campus programs are encouraged to discuss carefully, as a group, the educational opportunities and challenges that arise when living in a culture whose prevailing attitudes, laws and expectations about alcohol use may be different from our own. Off-campus programs should develop group understandings of how best to balance the need to participate appropriately in a foreign culture, to respect the sensibilities of individual group members, and to best represent the Earlham community in other parts of the world.

Violations of the alcohol policy may result in judicial action by the College and/or criminal prosecution.

DRUG POLICY

The following are prohibited and are deemed to be contrary to the best interests of both the College and the community:

- Use, possession, sale, or distribution of illegal substances;
- Abuse or resale/trafficking of over-the-counter or prescription drugs; and
- Possession of drug paraphernalia, except under proper medical direction.

The College is not a sanctuary protecting those who violate local, State and/or Federal laws concerning illegal substances, and College officials will cooperate with legal authorities whenever necessary and deemed appropriate. Violations will be referred to the judicial system.

DRUG AND ALCOHOL ABUSE PREVENTION POLICY REQUIRED BY THE FEDERAL GOVERNMENT FOR A DRUG-FREE SCHOOL

Pursuant to the requirement of Public Law 101-226, Earlham College issues the following statement regarding a drug-free school:

1. Prohibited Conduct

The unlawful possession, use, or distribution of illicit drugs or alcohol by students and employees on College property or as part of any College activity is prohibited.

2. Applicable Legal Sanctions

a. The Indiana Criminal Code classifies drug-related offenses (for example, manufacture or delivery of a controlled substance, engaging in a calculated criminal drug conspiracy, drug trafficking, unauthorized possession, etc.) as either Class C, B or A misdemeanors or Class D, C, B, or A felonies depending on the severity and nature of the conduct. The following criminal penalties are applicable to the identified categories of offenses:

Category of Offense	Monetary Fines	Imprisonment
Class C Misdemeanor	\$500	0 to 60 days
Class B Misdemeanor	\$1,000	0 to 180 days
Class A Misdemeanor	\$5,000	0 to 1 year
Class D Felony	\$10,000	1/2 to 3 years
Class C Felony	\$10,000	2 to 8 years
Class B Felony	\$10,000	6 to 20 years
Class A Felony	\$10,000	20 to 50 years

b. The applicable federal penalties and sanctions for illegal possession of a controlled substance are set forth in The Controlled Substances Act (21 U.S.C. 959 et. seq.).

3. Health Risks Associated with Substance Abuse

The use of illicit drugs and the abuse of alcohol may result in serious health consequences. All students should be aware of the health risks caused by the use of alcohol, and controlled substances (drugs). Consumption of more than two servings of alcohol in several hours can impair coordination

and reasoning and make driving unsafe. Consumption of alcohol by a pregnant woman can damage the unborn child. Regular and heavy alcohol consumption can cause serious damage to liver, nervous and circulatory systems, mental disorders, and other health problems. Drinking large amounts of alcohol in a short time may quickly produce unconsciousness, coma, and even death. Use of controlled substances (drugs) can result in damage to health and impairment of physical condition, including: impaired short-term memory or comprehension, anxiety, delusions, hallucinations, loss of appetite resulting in a general damage to the user's health over a long term, a drug-dependent newborn if the mother is a drug user during pregnancy, AIDS from "needle sharing" among drug users, and death from overdose.

4. Counseling Services

Students experiencing problems with drug and alcohol abuse are encouraged to seek assistance in Counseling Services. Counseling Services offers individual counseling and referrals to off-campus professionals, assessments, and drug and alcohol support groups for additional assistance.

5. College Sanctions and Penalties

Earlham College employees and students found in violation of the prohibitions set forth in their respective handbooks will be subject to disciplinary action up to and including termination or dismissal and possible referral for prosecution. Each case will be evaluated on an individual basis. A disciplinary sanction may include the completion of an appropriate rehabilitation program.

SEX DISCRIMINATION AND SEX-BASED HARASSMENT POLICY

August 1, 2024

I. Scope

The core purpose of the policy is the prohibition of sex discrimination, including sex-based harassment, sexual assault, dating violence, domestic violence, and stalking, in all education programs and activities of Earlham College and the Earlham School of Religion (“Earlham”).

This Policy applies to all students, employees, visitors, volunteers, alumni, trustees, and any individuals regularly or temporarily employed, studying, living, visiting, conducting business, or having any official capacity at Earlham.

This Policy is applicable to alleged incidents occurring on or after August 1, 2024. For alleged incidents of sexual harassment occurring prior to August 1, 2024, please consult the policy and procedures in place at the time of the alleged incident.

II. Notice of Nondiscrimination

Earlham does not discriminate on the basis of race, color, national origin, gender, sex, sexual orientation, age, or disability in the administration of its employment or educational policies, admissions policies and practices, scholarship and loan programs, athletics, or other school-administered programs. Earlham prohibits discrimination on the basis of these protected categories, as required by Title IX, Title VI, Title VII, and other applicable state and federal law.

Read Earlham’s [*Principles and Practices*](#) to learn more about shared community values.

III. Policy Statement

- A. [Title VII of the Civil Rights Act of 1964](#) prohibits discrimination in employment on the basis of sex, and [Title IX of the Education Amendments of 1972](#) prohibits exclusion from or discrimination in “any education program or activity receiving Federal financial assistance,” absent certain exceptions.
- B. Additionally, the Pregnant Workers Fairness Act and Title IX of the Education Amendments¹ protect employees and students, respectively, from discrimination on the basis of pregnancy and all related conditions, and require institutions to provide reasonable accommodations for known limitations related to pregnancy or related conditions.
- C. Earlham values and upholds the equal dignity of all members of its community. Consistent with its [Nondiscrimination and Anti-Harassment Policy](#), Earlham prohibits

¹ See Pregnant or Parenting? Title IX Protects You From Discrimination at School. U.S. Department of Education. Office of Civil Rights. <https://www2.ed.gov/about/offices/list/ocr/docs/dcl-know-rights-201306-title-ix.html>

all forms of all forms of discrimination and harassment, including sex discrimination, sex-based harassment and retaliation, in its Education Program and Activities.

- D. To ensure compliance with Earlham policies, as well as federal and state civil rights laws and regulations, Earlham has developed internal policies and procedures that provide a prompt, equitable, and impartial process for those involved in an allegation of discrimination or harassment on the basis of sex, and for allegations of retaliation.
- E. Allegations of sex discrimination and sex-based harassment will be addressed through the ***Discrimination and Harassment Grievance Procedures***, which offer safety and supportive measures; equitable resolution processes; and appropriate sanctions and remedies. As the Responsible Compliance Officer designated with Title IX compliance authority, the Title IX Coordinator takes appropriate, prompt, and effective steps to prevent sex discrimination or sex-based harassment in Earlham's education programs or activities.

IV. Definitions

- A. **Chief Diversity Officer:** The Cabinet-level Earlham administrator with responsibility for development and implementation of diversity, equity and inclusion (DEI) initiatives within the organization. The Chief Diversity Officer is appointed by the president.
- B. **Complainant:** A person who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or Earlham policy and who was participating or attempting to participate in an Earlham education program or activity at the time of the alleged sex discrimination.
- C. **Complaint:** An oral or written request that objectively can be understood as a request for the Earlham to investigate and make a determination about alleged policy violation(s).
- D. **Confidential Employee:**
 - 1. An employee whose communications are privileged or confidential under federal or state law. The employee's confidential status, for purposes of this definition, is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies; or
 - 2. An employee whom Earlham has designated as confidential under this Policy for the purpose of providing services to persons related to discrimination, harassment, or retaliation. If the employee also has a duty not associated with providing those services, the employee's confidential status only applies with respect to information received about discrimination, harassment, or retaliation in connection with providing those services; or
 - 3. An employee who is conducting an Institutional Review Board-approved human-subjects research study designed to gather information about discrimination, harassment, or retaliation. The employee's confidential status only applies with respect to information received while conducting the study.
 - 4. These individuals will maintain confidentiality except in extreme cases of immediacy of threat or danger or abuse of a minor, elder, or individual with a disability, or when required to disclose by law or court order.

- E. **Disciplinary sanction:** A formal Earlham response or punishment should a Respondent be found Responsible for a violation of Earlham policy.
- F. **Education program or activity:** Locations, events, or circumstances where Earlham exercises substantial control over the context in which the discrimination, harassment, and/or retaliation occurs and also includes any building owned or controlled by a student organization that the Earlham officially recognizes. This includes Clery-defined campus jurisdiction, as well as off-campus locations required as part of Earlham’s curricular and co-curricular activity. See also scope and jurisdiction.
- G. **Notice:** When an employee, student, or third party informs the Responsible Compliance Officer of the alleged occurrence of discriminatory, harassing, and/or retaliatory conduct.
- H. **Parental status:** The status of a person who, with respect to another person who is under the age of 18 or who is 18 or older but is incapable of self-care because of a physical or mental disability, is a biological parent; an adoptive parent; a foster parent; a stepparent; a legal custodian or guardian; in loco parentis with respect to such a person; or actively seeking legal custody, guardianship, visitation, or adoption of such a person.
- I. **Parties:** The Complainant and Respondent, collectively.
- J. **Pregnancy or related conditions:** Pregnancy, childbirth, termination of pregnancy, or lactation; medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.
- K. **Preponderance of Evidence:** The standard of proof that must be met to determine responsibility for a violation of Earlham policy. To prove an element by a preponderance of the evidence means to prove that something is “more likely than not.” In other words, when making a determination a Decision-maker will be asked whether, in light of the evidence and the policy, they believe each element of a claim or counterclaim is more likely to be true or not.
- L. **Prohibited Conduct:** Any discrimination on the basis of a protected characteristic, harassment on the basis of a protected characteristic, sex discrimination and sex-based harassment, bullying, and retaliation, as defined in this Policy as well as the [Nondiscrimination and Anti-harassment Policy](#).
- M. **Protected Category:** Personal traits, characteristics and/or beliefs that are defined by applicable state law, federal law or Earlham policy as protected from discrimination and/or harassment, including race, color, national origin, and religion; sex, including gender, gender identity, sexual orientation, pregnancy, childbirth, and related medical conditions; age; disability; veterans and past or present service members (Title VI of the Civil Rights Act of 1964; Title VII of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; Age Discrimination Act of 1975; Vietnam Era Veterans' Readjustment Assistance Act of 1974; Uniform Services Employment and Reemployment Rights Act of 1994). Indiana law also prohibits discrimination in employment on the basis of off-duty tobacco use, and sealed or expunged arrest or conviction record (Indiana Code § 22-5-4-1, Indiana Code § 35-38-9-10).

- N. **Remedies:** Measures provided, as appropriate, to a complainant or any other person Earlham identifies as having had their equal access to its education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to Earlham's education program or activity after it is determined that sex discrimination occurred.
- O. **Respondent:** An individual who is alleged to have committed Prohibited Conduct.
- P. **Responsible Compliance Officer:** An Employees who is responsible for ensuring Earlham nondiscrimination and anti-harassment procedures. See *Title IX Coordinator*.
- Q. **Student:** Any person who is admitted, enrolled, or registered for study at Earlham College, both undergraduate and graduate, for any academic period and/or those who may attend other educational institutions but reside in an Earlham residence facility. Those who are not officially enrolled for a specific term but who have a continuing relationship with, or an educational interest in, Earlham College are considered "students." A person also shall be regarded as a student during any period in which the student is under suspension from the institution or when the person is attending or participating in any preparatory activity before the beginning of a school term – including but not limited to: pre-orientation experiences, orientation, placement testing, and residence hall check-in.
- R. **Title IX Coordinator:** The individual responsible for coordinating implementation of this policy and Earlham's compliance with Title IX of the Education Amendments of 1972, including by providing information to all parties about grievance procedures, and offering and coordinating supportive measures. The Title IX Coordinator's role is not to serve as a confidential advisor to the complainant or any other party.

V. Jurisdiction of Earlham

- A. This policy applies to conduct that takes place on the campus or on property owned or controlled by Earlham, and within academic, extracurricular, research, occupational training, or other educational program or activity operated by Earlham.
- B. Earlham has an obligation to address a sex-based hostile environment under its education program or activity, even when some conduct alleged to be contributing to the hostile environment occurred outside Earlham's education program or activity or outside the United States.
- C. This policy is applicable to the effects of off-campus misconduct that effectively deprives students or employees to equal educational or employment opportunity.
- D. If the Respondent is unknown or is not a member of the Earlham community, the Title IX Coordinator will assist the Complainant in identifying appropriate campus and local resources and support options and/or, when criminal conduct is alleged, in contacting local or campus law enforcement if the individual would like to file a police report.
- E. When the Respondent is not a member of Earlham's community, The Title IX Coordinator will provide the Complainant with reasonable supportive measures, remedies, and resources, as practicable.

- F. In addition, Earlham may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from Earlham’s property and/or events.
- G. All vendors, volunteers, and other paid or unpaid individuals involved with Earlham programs and activities are subject to this policy.
- H. When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator will assist the Complainant in liaising with the appropriate individual at that institution, as it may be possible to allege violations through that institution’s policies.
- I. The Title IX Coordinator may be able to advocate for a student or employee Complainant who experiences sexual harassment in an externship, study abroad program, or other environment external to Earlham where sexual harassment policies and procedures of the facilitating or host organization may give recourse to the Complainant.

VI. Institutional Contacts

A. For sex discrimination and sex-based harassment allegations

The Office of Title IX receives and coordinates all institutional responses to complaints of sex discrimination and sex-based harassment.

General Contact for the Office of Title IX

Visit <https://earlham.edu/title-ix-information>

Email titleix@earlham.edu

Title IX Coordinator

Beth M. Birky, Ph.D.

Director of Title IX and Equal Opportunity

Human Resources 301

Phone: 765-983-1346

Email: birkybe@earlham.edu

Deputy Title IX Coordinator for Athletics

Cathryn Dickman, MPH

Athletics and Wellness Center, Office 2105

Phone: 765-983-1889

Email: cathrynd@earlham.edu

B. For student disability and pregnancy/parenting accommodations

The Section 504 Coordinator determines reasonable accommodations for qualified students with disabilities.

Section 504 Coordinator

Jennifer James

Director of Disability and Access Services

Phone: 765-983-1390

Email: jamesje@earlham.edu

C. For discrimination and harassment unrelated to sex or disability

The Chief Diversity Officer coordinates institutional response in collaboration with the offices of Human Resources or the Provost.

Office of the President

Gariot P. Louima, PhD

Vice President for Strategic and Diversity Initiatives

Office of the President

Phone: 765-983-1208

Email: louimga@earlham.edu

The Office of Human Resources determines reasonable accommodations for qualified employees with disabilities.

Office of Human Resources

Tracy Amyx

Human Resources Director

Phone: 765-983-1628

Email: amyxtr@earlham.edu

The Associate Vice President for Student Life serves as the Student Conduct Officer, with responsibility for initiating an investigation of alleged student violation of Earlham policy.

Student Life

Shane Peters, MS.Ed.

Associate Vice President for Student Life

(Student Conduct Officer)

Phone: 765-983-1317

Email: peterssh@earlham.edu

D. To Report Externally

Concerns about the Earlham's application of this Policy and compliance with certain federal civil rights laws may also be addressed to:

Office for Civil Rights (OCR)

U.S. Department of Education

400 Maryland Avenue, SW

Washington, D.C. 20202-1100

Customer Service Hotline #: 800-421-3481

Fax: 202-453-6012

TDD#: 877-521-2172

Email: OCR@ed.gov

Web: <http://www.ed.gov/ocr>

Office for Civil Rights (OCR)-Chicago Office

U.S. Department of Education
John C. Kluczynski Building
230 S. Dearborn Street, 37th Floor
Chicago, IL 60604
Telephone: 312-730-1560
Fax: 312-730-1576
TDD#: 800-877-8339
Email: ocr.chicago@ed.gov

For complaints involving employee-on-employee conduct: Equal Employment Opportunity Commission (EEOC). Visit <https://www.eeoc.gov/contact-eeoc>.

VII. Mandated Reporting and Responsible Employees

In order to promote an institutional environment free from discrimination and harassment and to promote equal opportunity, Earlham requires all employees who do not have a legal privilege of confidentiality and who become aware of alleged discrimination or harassment to report that alleged discrimination or harassment to the appropriate office.

- A. All Earlham employees, other than those deemed Confidential Resources, are considered Responsible Employees with a duty to report promptly to the Title IX Coordinator any actual or suspected conduct that may reasonably constitute sex discrimination or sex-based harassment or other prohibited conduct as defined by this Policy. The duty to report extends to all student workers (teaching assistants, resident assistants, graduate assistants, etc.), contract workers on Earlham's campus, and volunteers.
- B. If a Complainant expects formal action in response to their allegations, the Complainant can provide report (verbally or in writing) to any Earlham employee, who will help the Complainant contact the Title IX Coordinator for safety and supportive measures and for information about Earlham's resolution process options.
- C. When criminal conduct is alleged, the Title IX Coordinator can assist the Complainant in reporting to Public Safety on campus or to local law enforcement if the individual would like to file a police report.
- D. A Responsible Employee, as described above in this section, who fails to report an incident of sex discrimination, sex-based harassment, or retaliation to the Title IX Coordinator is in violation of Earlham Policy and can be subject to disciplinary action for failure to comply/failure to report. This also includes situations when the alleged perpetrator is a Responsible Employees. Responsible employees are obligated to report their own misconduct, and failure to do so is a chargeable offense under this Policy. A Responsible Employee who is themselves a target of harassment or other misconduct under this Policy is not required to report their own experience, though they are, of course, encouraged to do so.

VIII. Confidential Resources

- A. To enable Complainants to access support and resources without filing a Complaint, Earlham has designated specific employees as Confidential Resources. Those designated by Earlham as Confidential Resources are not required to report actual or suspected discrimination, harassment, or retaliation when information is obtained as they are serving in their capacity as a confidential resource. These individuals will maintain confidentiality except when there is imminent and serious threat to the health or safety of a complainant, any students, employees, or other persons, or when they are notified of the abuse of a minor, elder, or individual with a disability, or when required to disclose by law or court order.
- B. The employee's confidential status, for purposes of this part, is only with respect to information received while the employee is functioning within the scope of the duties to which privilege or confidentiality applies.
- C. Employees will provide the Complainant with the appropriate contact information for reporting discrimination allegations and offer options and resources without any obligation to inform an outside agency or Earlham official unless a Complainant has requested the information be shared.
- D. Employees whose roles confer confidentiality as described above, and who receive Notice within the scope of their confidential roles will timely submit anonymous statistical information for Clery Act purposes, unless they believe it would be harmful to their client, patient, or parishioner. A decision not to provide anonymous statistical information should be documented. See <https://www.clerycenter.org/the-clery-act>.
- E. An Earlham employee who is conducting an Institutional Review Board-approved human-subjects research study designed to gather information about sex discrimination—but the employee's confidential status is only with respect to information received while conducting the study.
- F. The following are designated confidential employees:

Student Counseling Services

Confidential under Indiana law and professional license

General Contact

Earlham Hall (1st floor - West Wing)

Phone: 765-983-1328

Office hours 8:30 a.m. to 4:30 p.m. on weekdays year-round, except on major holidays

Alisa Damholt, MSW, LCSW

Director of Counseling Services

Phone: 765-983-1432

Email: alisad@earlham.edu

Shamara A. Dickenson, MS, CWHC
Wellness and Health Coach
Phone: 765-983-1449
Email: dickesh@earlham.edu

Desiree Tharp-Davis, MS, LPC
Counselor
Phone: 765-983-1608
Email: tharpde@earlham.edu

Darcey Meridith, MSW, LCSW
Contract Counselor
Phone: 765-983-1608
Email: dkmerid90@earlham.edu

Barbie Will, MSW, LCSW
Contract Counselor
Phone: 765-983-1609
Email: willba@earlham.edu

Health Services

Confidential under Indiana law and professional licensure

General Contact

Office: Earlham Hall (1st floor - West Wing)
Phone: 765-983-1328
Fax: 765-983-1488
Email: healthservices@earlham.edu

Office hours 8:30 a.m. to 4:30 p.m. on weekdays year-round, except on major holidays

Courtney Skaggs PMHNP-BC
Psychiatric Nurse Practitioner
Email: skaggco@earlham.edu

Windel Stracener, M.D.
Campus Physician
Phone: 765.983.1328

Amanda Wright, R.N.
Nurse
Office: 765.983.1328
Email: wriham@earlham.edu

Ombudsperson

Designated confidential by Earlham

Lailul Ikram, M.S.

Ombudsperson

Location: Virginia Cottage

Phone: 765.983.1875

Email: ikramla@earlham.edu

Chaplaincy

Confidential under Indiana law

Mimi Holland

Coordinator of Quaker Life and Assistant Chaplain

Location: 201 Virginia Cottage

Phone: 765-983-1753

Email: hollame@earlham.edu

External Confidential Resources

In addition, Complainants may speak with individuals unaffiliated with Earlham without concern that Policy will require them to disclose information to the institution without permission:

- Licensed professional counselors and other medical providers
- Local rape crisis counselors
- Domestic violence resources
- Local or state assistance agencies
- Clergy/Chaplains
- Attorneys

Employees also have access to counseling and legal services through the Employee Assistance Program (EAP) and should contact Human Resources for additional information about accessing these services.

IX. Title IX Coordinator: Independence and Conflicts of Interest

- A. The Director of Title IX and Equal Opportunity serves as the Title IX Coordinator and has the primary responsibility for coordinating Earlham's efforts to comply with its responsibilities under Title IX.
 1. **Policy:** The Title IX Coordinator works with the Vice President for Strategic and Diversity Initiatives, the Director Human Resources, and the Deputy

Title IX Coordinator for Athletics to adopt, publish, and implement the Sex Discrimination and Sex-based Harassment Policy.

2. **Reporting:** The Title IX Coordinator responds to reports of alleged sex discrimination and harassment and oversee risk assessment, intake, and implementation of supportive measures to stop, remediate, and prevent discrimination, harassment, and retaliation prohibited under the Policy. This includes monitoring for and addressing potential barriers to reporting information about conduct that may constitute sex discrimination under Title IX in Earlham's education program or activity.
 3. **Resolution processes:** The Title IX Coordinator oversees all resolutions under this policy and these procedures.
 4. **Training:**
 - 4.1 **Title IX Office:** The Title IX Coordinator will coordinate appropriate training for members of the Title IX office, which include those who assist with risk and safety assessment, provide supportive measures, facilitators of informal resolution processes, as well as investigators, decisionmakers, and other persons who are responsible for implementing Earlham's grievance procedures, including appeals, or who have the authority to modify or terminate supportive measures.
 - 4.2 **Earlham Employees:** The Title IX Coordinator ensures that all Earlham employees receive training related to Earlham's Nondiscrimination and Anti-Harassment policy and the prohibited conduct under this policy, as well as their mandated duty as Responsible Employees to report upon hiring or change of position that alters their duties under Title IX, and annually thereafter.
 - 4.3 **Students:** The Title IX Coordinator will collaborate with appropriate campus offices on sex discrimination and sex-based harassment prevention activities. This may include providing tailored training to address alleged sex discrimination and sex-based harassment in a particular part of its education program or activity or at a specific location when information indicates there may be multiple incidents of sex-based harassment.
- B. The Title IX Coordinator fulfills the responsibilities defined above and acts with independence and authority free from bias and conflicts of interest. The Title IX Coordinator ensures that all members of the Office of Title IX and participating in the response to reports or resolution of complaints are vetted and trained to ensure they are not biased for or against any party in a specific case, or for or against Complainants and/or Respondents, generally.

- C. To raise any concern involving bias or conflict of interest by the Title IX Coordinator, contact the Chief Diversity Officer, Gariot Louima, at louimga@earham.edu. Concerns of bias or a potential conflict of interest by any other Title IX Team member should be raised with the Title IX Coordinator.
- D. Reports of misconduct or discrimination committed by the Title IX Coordinator should be reported to the Chief Diversity Officer, Gariot Louima, at louimga@earham.edu or designee. Reports of misconduct or discrimination committed by any other member involved in a Title IX process should be reported to the Title IX Coordinator.

X. Prohibited Conduct

A. Discrimination and Harassment

Students, staff, administrators, and faculty are entitled to an employment and educational environment that is free of discrimination, harassment, and retaliation. The [Nondiscrimination and Anti-Harassment Policy](#) describes specific forms of legally prohibited discrimination, including sex discrimination and harassment.

Prohibited Conduct includes all forms of:

1. **Discrimination:** Differential treatment of an individual or group of people based protected characteristics, including race, color, national origin; religion; sex, including pregnancy, childbirth, and related medical conditions; age; disability; veterans and past or present service members. See [Nondiscrimination and Anti-Harassment Policy](#).
 - 1.1. In determining whether discrimination occurred, Earlham considers whether there was an adverse impact on the individual's work or education environment and whether individuals outside of the protected class received more favorable treatment.
 - 1.2. If there was an adverse impact on the individual's work or education environment, Earlham considers whether there is a legitimate, non-discriminatory reason for the action.
2. **Harassment:** Federal law defines harassment as verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of race, color, national origin, gender, sex, sexual orientation, age, disability or any other Protected Category or that of his/her relatives, friends or associates, and that 1) has the purpose or effect of creating an intimidating, hostile or offensive work or study environment; 2) has the purpose or effect of unreasonably interfering with an individual's work or study performance; and 3) otherwise adversely affects an individual's employment or learning opportunities.
 - 2.1 **Discriminatory Harassment** is unwelcome conduct on the basis of actual or perceived protected characteristic(s), that based on the totality of the circumstances, is subjectively and objectively offensive, and is so severe or pervasive, that it limits or denies a person's ability to participate in or benefit from Earlham's education program or activity.

B. Sex Discrimination and Sex-based Harassment

1. **Sex discrimination:** Sex discrimination includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity, or other sex characteristic.
2. **Sex-based harassment:** “Sex-based harassment” is a form of sex discrimination that includes sexual harassment and harassment based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, or gender identity, that is quid pro quo harassment, hostile environment harassment, or one of four specific offenses referenced in the Jeanne Clery Disclosure of Campus Security Policy and Campus Crimes Statistics Act (“Clery Act”) as amended by the Violence Against Women Reauthorization Act (2022 reauthorization). There are two types of sexual harassment claims:
 - 2.1. Hostile environment harassment is unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person’s ability to participate in or benefit from Earlham’s education program or activity (i.e., creates a hostile environment).
 - 2.2. Quid pro quo harassment is when an employee, agent, or other person authorized by Earlham to provide an aid, benefit, or service under Earlham’s education program or activity explicitly or implicitly conditioning the provision of such an aid, benefit, or service on a person’s participation in unwelcome sexual conduct.
3. **Sexual assault:** A forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. Sexual assault encompasses a range of offenses, including but not limited to Fondling; Incest; Rape; Statutory Rape; and Sexual Assault with an Object directed against another person, without that person's consent ([National Incident-Based Reporting System \(NIBRS\), 2019](#)).
 - 3.1. **Fondling:** The touching of the private body parts of the Complainant by the Respondent or causing the Complainant to touch the Respondent’s private body parts intentionally for a sexual purpose without the consent of the Complainant, including instances where the Complainant is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity or physical incapacity. (NIBRS, 2019)
 - 3.2. **Incest:** Nonforcible sexual intercourse between persons over the age of 18 who are related biologically as a parent, child, grandparent, grandchild, sibling, aunt, uncle, niece, or nephew. (NIBRS, 2019; [IN Code § 35-46-1-3](#))

- 3.3. **Rape (Except Statutory Rape):** Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This includes the offenses of sodomy and sexual assault with an object. (NIBRS, 2019; [FBI, Uniform Crime Report, 2019](#))
 - 3.3.1. **Sexual Assault With An Object:** To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity. (NIBRS, 2019)
 - 3.3.2. **Sodomy:** Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity. (NIBRS, 2019)
- 3.4. **Statutory Rape:** is nonforcible sexual intercourse with a person who is under the age of consent, or age 16 in Indiana. IN Code § 35-42-4-9.
4. **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant; and where the existence of such a relationship shall be determined based on a consideration of the following factors: 1) the length of the relationship, 2) the type of relationship; and 3) the frequency of interaction between the persons involved in the relationship.
5. **Domestic violence:** Felony or misdemeanor crimes committed by a person who is a current or former spouse or intimate partner of the Complainant; is cohabiting, or has cohabited with the Complainant; shares a child in common; or commits acts against a youth or adult Complainant who is protected from these acts under the family or domestic violence laws of the jurisdiction.
6. **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (1) fear for the person's safety or the safety of others; or (2) suffer substantial emotional distress.
7. **Sexual exploitation:** When one person takes a non-consensual or abusive sexual advantage of another for their own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Examples of Sexual Exploitation include, but are not limited to:
 - 7.1. Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed)

- 7.2. Invasion of sexual privacy (e.g., doxxing²)
- 7.3. Knowingly making an unwelcome disclosure of (or threatening to disclose) an individual's sexual orientation, gender identity, or gender expression
- 7.4. Taking pictures, video, or audio recording of another in a sexual act, or in any other sexually related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity; or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent), including the making or posting of non-consensual pornography
- 7.5. Prostituting another person
- 7.6. Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually transmitted disease (STD) or infection (STI), without informing the other person of the virus, disease, or infection
- 7.7. Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity
- 7.8. Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections (e.g., spoofing)
- 7.9. Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity
- 7.10. Knowingly soliciting a minor for sexual activity
- 7.11. Engaging in sex trafficking
- 7.12. Knowingly creating, possessing, or disseminating child sexual abuse images or recordings
- 7.13. Creating or disseminating synthetic media, including images, videos, or audio representations of individuals doing or saying sexually-related things that never happened, or placing identifiable real people in fictitious pornographic or nude situations without their consent (i.e., Deepfakes)
- 7.14. Creating or disseminating images or videos of child sexual abuse material

² Doxxing is to search for and publish private or identifying information about (a particular individual) on the internet, typically with malicious intent.

C. Title IX Sexual Harassment

Any of the following conduct on the basis of sex constitutes sexual harassment under Title IX³:

1. An Earlham employee conditioning the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct (often called “quid pro quo” harassment);
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or
3. “Sexual assault” as defined in [20 U.S.C. 1092\(f\)\(6\)\(A\)\(v\)](#), “dating violence” as defined in [34 U.S.C. 12291\(a\)\(10\)](#), “domestic violence” as defined in [34 U.S.C. 12291\(a\)\(8\)](#), or “stalking” as defined in [34 U.S.C. 12291\(a\)\(30\)](#).

D. Consent, Force, Coercion

1. **Consent:** Consent is an unambiguous, affirmative, and conscious decision by each person to engage in mutually agreed-upon sexual activity. Consent is informed, voluntary (freely given), clear, active, and requires ongoing permission by word or action to engage in sexual activity.
 - 1.1 Since individuals may experience the same interaction in different ways, it is the responsibility of each party to determine that the other has consented before engaging in the activity and with each new sexual act in advance of initiation. If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction, but clear communication from the outset is strongly encouraged.
 - 1.2 For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Consent is never implied by past behavior or statements or by location.
 - 1.3 Consent is evaluated from the perspective of what a reasonable person would conclude are mutually understandable words or actions. Reasonable reciprocation can establish consent. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain their consent to being kissed back.

³ Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance. 34 C.F.R. § 106.30(a) (2020). <https://www.federalregister.gov/d/2020-10512/p-6446>

- 1.4 Consent can also be withdrawn once given, as long as the withdrawal of consent is reasonably and clearly communicated. If consent is withdrawn, sexual activity should cease immediately.
 - 1.5 Silence or the absence of resistance alone should not be interpreted as consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.
 - 1.6 Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent.
 - 1.7 If an individual expresses conditions on their willingness to consent (e.g., use of a condom) or limitations on the scope of their consent (e.g., use of a safe word), those conditions and limitations must be respected. If a sexual partner shares the clear expectation for the use of a condom, or to avoid internal ejaculation, and those expectations are not honored, the failure to use a condom, removing a condom, or internal ejaculation can be considered acts of sexual assault.
 - 1.8 Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on Earlham to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.
2. **Force** is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce. Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.
 3. **Coercion** is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.
 4. **Incapacitation** is a state where a person is incapable of giving consent. An incapacitated person cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the

“who, what, when, where, why, and how” of their sexual interaction). A person cannot consent if they are unable to understand what is happening or are disoriented, helpless, asleep, or unconscious for any reason, including because of alcohol or other drug consumption. An individual who is incapacitated, disoriented, helpless, asleep, or unconscious for any reason, including by alcohol or other drugs, is incapable of giving consent. Engaging in a sexual act with an individual who is incapable of giving consent is a violation of this policy.

- 4.1 Incapacitation is determined through consideration of all relevant indicators of an individual’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.
- 4.2 This policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs.
- 4.3 Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person’s ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non- consensual sexual activity is a violation of this policy.
- 4.4 It is a defense to a sexual assault policy violation that the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. “Should have known” is an objective, reasonable person standard which assumes that a reasonable person is both sober and exercising sound judgment.

E. Additional Prohibited Conduct

In addition to the forms of discrimination and harassment described above and the Nondiscrimination and Anti-Harassment Policy, Earlham prohibits the following offenses when on its campus, within its education programs or activities, or when such action directly impacts the ability of members of the community to fully participate in Earlham education or activities.

1. **Failure to Provide Reasonable Accommodation:** Failure to provide an employee or student with reasonable modifications and/or accommodations for conditions relating from pregnancy and related conditions is a violation of this policy. See *Pregnancy and Related Conditions, and Parenting Student Policy*.
2. **Retaliation:** The Intimidation, threats, coercion, or discrimination against any person by Earlham, a student, employee, or other person authorized by the institution, from participating in activity protected by federal and state anti-discrimination and/or whistleblower laws. Protected activity includes: complaining about discriminatory or harassing behavior; disclosing/reporting

violations of law, rule or procedure or fraud, waste or abuse; and participating in discrimination or whistleblower proceedings in good faith (such as an investigation or lawsuit).

3. **Unauthorized Disclosure:** Distributing or otherwise publicizing materials created or produced during an investigation or Resolution Process except as required by law or as expressly permitted by Earlham, or publicly disclosing a party's personally identifiable information without authorization or consent.
4. **Failure to Comply/Process Interference:** Intentional failure to comply with the reasonable directives of an Earlham Administrator in the performance of their official duties, including:
 - 4.1. Intentional failure to comply with the terms of a no contact order;
 - 4.2. Intentional failure to comply with emergency removal or interim suspension terms;
 - 4.3. Intentional failure to comply with sanctions;
 - 4.4. Intentional failure to adhere to the terms of an agreement achieved through informal resolution;
 - 4.5. Intentional failure to comply with mandated reporting duties as defined in this Policy;
 - 4.6. Intentional interference with a discrimination or harassment resolution process, including but not limited to:
 - 4.6.1. Destruction of or concealing of evidence
 - 4.6.2. Actual or attempted solicitation of knowingly false testimony or providing false testimony or evidence
 - 4.6.3. Intimidating or bribing a witness or party
5. **False Allegations and Evidence**
 - 5.1. Deliberately false and/or malicious accusations under this Policy are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a determination of a Policy violation.
 - 5.2. Additionally, witnesses and Parties who knowingly provide false evidence, tamper with or destroy evidence, or deliberately mislead an official conducting an investigation or resolution process can be subject to discipline under appropriate Earlham policies.

F. Employee-Student Amorous Relationship

Regardless of position or contact, an employee's professional responsibilities make it possible for that employee to influence the status or circumstances of any student; therefore, Earlham prohibits all employees from entering into amorous relationships

with students.

Efforts by employees to initiate or oblige romantic or sexual relationships with students is considered a violation of this policy and subject to disciplinary action, including but not limited to termination of employment.

Please refer to the full policy at <https://earlham.edu/policy/employee-student-amorous-relationships-policy/>.

G. Other Offenses and Referrals

When the Title IX Coordinator receives reports of Civil Rights offenses that do not fall under the category of sex discrimination, the Title IX Coordinator will assist the Complainant in accessing other applicable reporting and grievance processes. Supportive measures are available to all students, regardless of the grievance process involved. See the Nondiscrimination and Anti-Harassment policy for further information.

Other behaviors, when not a violation of this policy, may constitute violations of community standards and will, therefore, be processed through employee or student conduct grievance processes.

XI. Notice of Discrimination, Harassment and/or Retaliation

Earlham welcomes and takes seriously any report of alleged discrimination, harassment, or assault in order to provide equal access to education programs and activities. When receiving verbal or written reports or complaints of sex discrimination and sex-based harassment, the Title IX Coordinator will promptly and equitably respond to a report in order to address the situation and provide safety measures and support, and, where appropriate and requested by the Complainant, pursue steps to resolve the situation through informal resolution or formal grievance processes, and to prevent further harm or discrimination.

- A. **Notice** describes any process by which a Complainant or third party notifies Earlham of action alleged to be a violation of this Policy or the Nondiscrimination and Anti-Harassment Policy.
- B. A **Report**, verbal or written, provides notice to Earlham of an allegation or concern about sex discrimination, sex-based harassment, or retaliation and provides an opportunity for the Title IX Coordinator to provide information, resources, and supportive measures.
- C. A **Complaint** provides notice to Earlham that the Complainant would like to initiate an investigation or other appropriate resolution procedures. A Complainant or individual may initially make a report and may decide at a later time to make a Complaint.

- D. Reports or Complaints of discrimination, harassment, and/or retaliation may be made using any of the following options:
1. Give verbal or written notice to any responsible or mandated reporter.
 2. File a Complaint or give verbal notice to any of the administrators named in Section V of this Policy. Such a Complaint may be made at any time by using the telephone number, email address, or by mail to the office of the Administrator listed in this Policy.
 3. Submit a report or notice online using the appropriate form at <https://earlham.edu/report>.
 4. Report, verbally or in writing to any Earlham employee who has a mandate to report. All Earlham employees are responsible employees unless designated as confidential employees as defined in this Policy.
- E. **Anonymous Notice:** If an individual would like the College to be aware of a policy violation but is not ready or willing to share their name, they may report anonymously through the online reporting form, which initiates the Title IX Coordinator's review for safety threats and for opportunity to provide resources to a specific campus area. Employees have access to anonymous reporting through the online form or the campus Ombudsperson for confidential reporting of any unethical behavior on campus, including sexual harassment or assault.
1. Anonymous notice will be taken seriously and explored by Earlham to the extent possible, both to assess the underlying allegation(s) and to determine if supportive measures or remedies can be provided.
 2. Anonymous notice typically limits Earlham's ability to provide supportive measures to Complainants who are the subject of anonymous notice or to investigate, respond, and provide remedies for the alleged discrimination or harassment, depending on what information is shared. Measures intended to protect the community in general or redress or mitigate harm may be enacted, based on the Title IX Coordinator's initial evaluation or risk assessment.
 3. If an individual submits an anonymous report, they are welcome to provide their name at a later date by submitting another online report or reporting in writing, by phone, or in person to the Title IX coordinator or any Earlham employee.
 4. Following a risk assessment of an anonymous report or when a Complainant does not wish to file a formal Complaint, the Title IX Coordinator may be obligated to initiate a Complaint without the Complainant's participation due to information indicating an imminent and serious threat to the health or safety of an individual or the campus community, such as evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence.
 5. When the Title IX Coordinator executes an anonymous Complaint, Earlham does not become the Complainant. The Complainant is the individual who is

alleged to have been subjected to conduct that could constitute sex discrimination or sex-based harassment under this policy.

6. A Complainant considering an anonymous report should be aware that reporting carries no obligation to initiate a Complaint, and in most situations, Earlham is able to respect a Complainant's request not to initiate a resolution process. If a Complainant does not wish to file a Complaint, Earlham will maintain the privacy of information to the extent possible. The Complainant should not fear a loss of confidentiality by giving Notice that allows Earlham to discuss and/or provide supportive measures, in most circumstances.
- F. There is no time limitation on providing Notice/Complaints to Earlham. However, if the Respondent is no longer subject to the Earlham's jurisdiction and/or significant time has passed, the ability to investigate, respond, and/or provide remedies may be more limited or impossible.
- G. Earlham reserves the right to address offensive conduct and/or harassment that (1) does not rise to the level of creating a hostile environment, or (2) that is of a generic nature and not based on a protected characteristic. Addressing such conduct will not result in the imposition of discipline under Earlham's Policy, but may be addressed through respectful conversation, remedial actions, education, and/or other Informal Resolution mechanisms. For assistance with Alternative Resolution and other Informal Resolution techniques and approaches, contact the Title IX Coordinator or the Ombudsperson for guidance.
- H. Earlham will document in writing all Reports and Complaints regardless of whether a Complainant chooses an informal resolution process; withdraws an initial complaint; or pursues formal grievance procedures. Records are maintained for seven years.

XII. Amnesty for Complainants and Witnesses

- A. Earlham encourages the reporting of misconduct and crimes by Complainants and Witnesses. Sometimes, Complainants or witnesses are hesitant to report to officials or participate in grievance processes because they fear that they themselves may be in violation of certain policies at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons.
- B. It is in the best interests of the Earlham community that Complainants choose to report misconduct to Earlham officials, that witnesses come forward to share what they know, and that all parties participate in good faith during the process. To encourage reporting and participation in the process, Earlham maintains a policy of offering parties and witnesses amnesty from minor policy violations, such as underage alcohol consumption or the use of illicit drugs, related to the incident.
- C. Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution or other criminal behavior.

Students: Earlham maintains a policy of amnesty for students who offer help to others in need. Minor offenses may not result in the imposition of discipline under Earlham policy, but may be addressed through respectful conversation, remedial actions, education, effective Alternative Resolution, and/or other Informal Resolution mechanisms.

Employees: Earlham may, at its discretion and within reason, offer amnesty to employees who reveal themselves as having engaged in behavior that constitute minor violations of policy while seeking redress for alleged violations of Earlham policy.

XIII. Privacy and Confidentiality

- A. Earlham makes every effort to preserve the Parties' privacy. Earlham will not share the identity of any individual who has made a Complaint of sex discrimination, sex-based harassment, or retaliation; any Complainant; any individual who has been reported to be the perpetrator of discrimination, harassment, or retaliation; any Respondent; or any witness, except as permitted by, or to fulfill the purposes, of applicable laws and regulations (e.g., Title IX), Family Educational Rights and Privacy Act (FERPA) and its implementing regulations, or as required by law; including any investigation, or resolution proceeding arising under these policies and procedures.
- B. Even if a reporter does not specifically ask for privacy, the College will only disclose information regarding incidents of alleged sexual harassment or assault to individuals whom the College determines are necessary to conduct an appropriate investigation, to provide supportive measures to parties, to perform other appropriate College functions, or when the College is required to provide information under the law.
- C. Those reporting an incident, or who are in the process of reporting or filing a formal complaint, will always be informed in advance what information would need to be disclosed, to whom, and why. Confidential information shared with a certain College employee or outside professional cannot be disclosed to others without the express written permission of the individual who shared the information, except in situations of an imminent and serious threat to the health and safety of the individual and community or incidents involving a minor.
- D. Parties and Advisors are prohibited from unauthorized disclosure of information obtained by Earlham solely through the Resolution Process, to the extent that information is the work product of Earlham (meaning it has been produced, compiled, or written by Earlham for purposes of its investigation and resolution of a Complaint). It is also a violation of Earlham Policy to publicly disclose a work product or a party's personally identifiable information without authorization or consent. Violation of this Policy is subject to significant sanctions.

- E. Otherwise, the College will not restrict the ability of Complainant or Respondent to discuss the allegations under investigation or to gather and present relevant evidence, although the College encourages all parties involved to honor the guidelines for privacy.
- F. In situations in which there is a imminent and serious health and/or safety risk to a student, Earlham may contact parents or legal guardians to inform them of situations. In such instances, the Title IX Coordinator will consult the student before such action, unless the student is incapacitated or otherwise unable to respond.

XIV. Supportive and Protective Measures

- A. Upon receiving notice of alleged sex discrimination or sex-based harassment, the Title IX Coordinator will promptly communicate with the Complainant, in order to offer and implement appropriate and reasonable supportive measures. Supportive measures are non-disciplinary, non-punitive, individualized services offered as appropriate and reasonably available. They are offered, without fee or charge to the Parties, to restore or preserve access to the Earlham's education program or activity.
- B. In addition to providing supportive measures, the Title IX Coordinator may also, upon indication of a compelling threat to health and/or safety, work with Public Safety, Student Life, and/or Human Resources to implement protective measures designed to protect the safety of all Parties ensure that sex discrimination does not continue or recur within Earlham's education program or activity. Protective measures may include emergency removal or administrative leave.
- C. The availability of supportive and protective measures will be determined by the specific circumstances of each report and interim measures will be tailored to avoid depriving any Party or other student with access to Earlham's education programs or activities.
- D. The Title IX Coordinator will consider a number of factors in determining which measures to take, including the needs of the student or employee seeking supportive and/or protective measures; the severity or pervasiveness of the alleged conduct; any continuing effects on the parties; whether the Complainant and the Respondent share the same residence hall, academic course(s), or job location(s); and whether court proceedings have been used to protect any parties (e.g., protective orders).
- E. Earlham will work in good faith to implement the requirements of judicially issued protective orders and similar orders, to the extent that doing so is within its authority
- F. Earlham will maintain the confidentiality of the supportive measures, provided that confidentiality does not impair Earlham's ability to provide those supportive measures. The Title IX Coordinator will act to ensure as minimal an academic/occupational impact on the Parties as possible and will implement measures in a way that does not unreasonably burden any party.

- G. Supportive measures are detailed in the Discrimination and Harassment Grievance Procedures.
- H. When a student, or a person who has a legal right to act on behalf of the student, informs any employee of the student's pregnancy or related conditions, the employee should promptly provide that person with the Title IX Coordinator's contact information and inform that person that the Title IX Coordinator and the Director of Disability and Access Services (Section 504 Coordinator) can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to the recipient's education program or activity. Earlham will allow the student to voluntarily access any separate and comparable portion of its education program or activity through reasonable accommodations or modifications outlined below.

XV. Promptness of Addressing Complaints and Resolutions

- A. All allegations are acted upon promptly by Earlham once it has received notice or a formal complaint. Complaints can take sixty to ninety (60-90) academic days to resolve, typically. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but Earlham will avoid all undue delays within its control.
- B. Any time the general timeframes for resolution outlined in Earlham's procedures will be delayed, Earlham will provide written notice to the parties of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

XVI. Standard of Proof

Earlham uses the preponderance of the evidence standard of proof when determining whether a Policy violation occurred. This means that Earlham will decide whether it is more likely than not, based upon the available information at the time of the decision, that the Respondent is in violation of the Policy. This standard of proof requires "the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness."

XVII. Online Harassment and Misconduct

- A. Earlham policies are written and interpreted broadly to include online manifestations of any prohibited conduct, when those behaviors occur in or have an effect on Earlham's education program and activities, or when they involve the use of Earlham networks, technology, or equipment.
- B. Although Earlham may not control websites, social media, and other venues through which harassing communications are made, when such communications are reported to the Title IX Coordinator or any Earlham employee, Earlham will engage in a

variety of means to address and mitigate the effects, including off-campus conduct whose effects contribute to limiting or denying a person access to Earlham's education program or activity.

- C. Any online posting or other electronic communication by students, including technology-facilitated bullying, stalking, harassment, etc., occurring completely outside of the Earlham's control (e.g., not on Earlham networks, websites, or between Earlham email accounts) will only be subject to this Policy when such online conduct can be shown to cause (or will likely cause) a substantial in-program disruption or infringement on/harm to the rights of others. Otherwise, such communications are considered speech protected by the First Amendment. Supportive measures for Complainants will be provided.

XVIII. Retaliation

Retaliation means the intimidation, threats, coercion, or discrimination against any person by the institution, a student, employee, or other person authorized by the institution, from participating in activity protected by federal and state anti-discrimination and/or whistleblower laws. Protected activity includes: complaining about discriminatory or harassing behavior; disclosing/reporting violations of law, rule or procedure or fraud, waste or abuse; and participating in discrimination or whistleblower proceedings in good faith (such as an investigation or lawsuit).

- A. It is prohibited for Earlham or any member of Earlham's community to take materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy and procedure.
- B. Protected activity under this policy includes reporting an incident that may implicate this policy, participating in the grievance process, supporting a Complainant or Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this Policy.
- C. Acts of alleged retaliation should be reported immediately to the Title IX Coordinator or other Responsible Compliance Officer and will be promptly investigated. Earlham is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.
- D. Charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation.

- E. The exercise of rights protected under the First Amendment does not constitute retaliation.
- F. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy and procedure does not constitute retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any party has made a materially false statement in bad faith.

XIX. Federal Timely Warning and Statistical Reporting Obligations

- A. Parties reporting sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Clery Act, Earlham must issue a timely warning to the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate or imminent threat to the health or safety of students and/or employees occurring on campus, unless the notification will compromise efforts to contain the emergency. Earlham will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.
- B. At Earlham, Campus Security Authorities include all personnel in the areas of student life/student conduct, public safety, athletics, residence life, human resources, student engagement (including advising student organizations), and any other official with significant responsibility for student and campus activities.
- C. In addition to Responsible Employees' mandatory reporting of sex discrimination and harassment, those deemed Campus Security Authorities (CSAs) to have a duty to report the following for federal statistical reporting purposes ([Clery Act](#)):
 - 1. All "primary crimes," which include homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, and arson;
 - 2. Hate crimes, which include any bias-motivated primary crime, as well as any bias-motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property;
 - 3. Sex offenses, forcible or nonforcible;
 - 4. Arrests and referrals for disciplinary action for weapons-related law violations, liquor-related law violations, and drug abuse-related law violations.
- D. For Clery reports, all personally identifiable information is kept private, but statistical information must be passed along to Public Safety regarding the type of incident and its general location (on or off-campus or in the surrounding area, but no addresses are given) for publication in the Annual Security Report and daily campus crime log. Note that sex offenses fall under the requirement of mandatory reporting.
- E. See Crime Statistics at <https://earlham.edu/public-safety/crime-statistics/>.

XX. Academic Freedom

- A. The teaching and learning of the liberal arts at Earlham College rest on the principle of free inquiry and open discourse. This policy is not intended to inhibit or restrict free expression or exchange of ideas. Earlham's commitment to academic freedom can be found in full in the *Earlham College Faculty Handbook* (Section M) and the *Earlham School of Religion Faculty Handbook* (Section L).
- B. Speech or expression with legitimate and appropriate pedagogical purpose are not subject to sanction under this policy, unless they rise to the level of discrimination, harassment or other prohibited conduct as described in this policy.

XXI. Recordkeeping

Earlham will maintain records related to the implementation of this policy in a secure, digital location for a period of at least seven years:

- A. Records documenting the informal resolution process or the grievance procedures and the resulting outcome.
- B. Documentation for each notification the Title IX Coordinator receives of information about conduct that reasonably may constitute sex discrimination under Title IX and the actions taken to end, prevent, and remedy sex discrimination and sex-based harassment.
- C. All materials used to provide training of the campus community and Title IX office personnel indicated above. These training materials are available upon request for inspection by members of the public.

XXII. Policy Review and Amendment

- A. The Title IX coordinator is responsible for leading an annual review of this policy for compliance with state and federal law.
- B. Clerical amendments -- including adding or removing the names of certain administrators named in this policy -- shall be made administratively as necessary.
- C. Changes beyond clerical amendments are reviewed and approved by the President.

CLERICAL NOTES

August 1, 2024 – Approved by the President. Compliant with the Department of Education's Final Rules on Title IX (34 CFR 106) as well as the Equal Employment Opportunity Commission's 2024 Final Rule on Pregnant Workers Fairness Act (29 CFR 1636).

Discrimination and Harassment Grievance Procedures

I. Scope

These procedures apply to all alleged Prohibited Conduct as described in Earlham’s [Nondiscrimination and Anti-Harassment Policy](#), as well as its policy on Sex Discrimination and Sex-based Harassment, when involving Earlham College and Earlham School of Religion (“Earlham”) students, staff, teaching and administrative faculty members, or third parties engaging in or attempting to engage in an Earlham Educational Program and Activity.

II. Statement on Application of these Procedures

- A. Consistent with its commitment to addressing unlawful discrimination and harassment, Earlham College complies with multiple laws that prohibit discrimination and harassment, including but not limited to Titles VI and VII of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972; the Rehabilitation Act of 1973; the Americans with Disabilities Act of 1990, as amended; the Age Discrimination Act of 1975; and relevant state and local laws.
- B. These procedures describe an administrative process to resolve complaints of alleged violation of Earlham’s [Nondiscrimination and Anti-Harassment Policy](#) and its policy on Sex Discrimination and Sex-based Harassment. (Reference to “the Policy” includes both policies, unless one policy is specifically identified).
- C. Employees or students found responsible for engaging in Prohibited Conduct are subject to disciplinary action as described in these procedures.
- D. The procedures below may also be used to address collateral misconduct arising from the investigation of or occurring in conjunction with reported discrimination and harassment. In such circumstances, the Responsible Compliance Officer may consult with Earlham officials who oversee such conduct (e.g., Human Resources, Student Conduct, Academic Affairs) to solicit their input as needed on what charges should be filed, but the exercise of collateral charges under these procedures is within the discretion of Responsible Compliance Officer. All other allegations of misconduct unrelated to incidents covered by the Policy will be referred to the appropriate process and addressed separately through procedures

described in Earlham's *Student Handbook*, *Faculty Handbook* (College or School of Religion), or *Employee Manual*.

III. Definitions

- A. **Administrative Resolution:** A process by which a Responsible Administrator assigns sanctions as appropriate in instances in which a Respondent voluntarily accepts responsibility and chooses not to dispute the claims in a grievance.
- B. **Advisor:** Any person chosen by a party, or appointed by the institution, who may accompany the party to all meetings related to the Resolution Process and advise the party on that process. In a hearing, the advisor poses questions on behalf of the parties.
- C. **Appeal Decision-maker:** The person or panel who accepts or rejects a submitted appeal request, determines whether any of the grounds for appeal are met, and directs responsive action(s), accordingly.
- D. **Collateral Misconduct:** Potential violations of other Earlham policies not incorporated into the Nondiscrimination and Anti-Harassment Policy or policy on Sex Discrimination and Harassment that occur in conjunction with alleged violations of those Policies, or that arise through the course of an investigation, for which it reasonable and appropriate to provide one resolution for all charges.
- E. **Complainant:** The individual who is alleged to be the victim of conduct that could constitute a violation of Earlham's nondiscrimination and anti-harassment policies.
- F. **Complaint:** An oral or written request to Earlham that can objectively be understood as a request for Earlham to investigate and make a determination about alleged Policy violation(s).
- G. **Confidential Employee:**
 - 1. An employee whose communications are privileged or confidential under federal or state law. The employee's confidential status, for purposes of this definition, is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies; or
 - 2. An employee whom Earlham has designated as confidential for the purpose of providing services to persons related to discrimination, harassment, or retaliation. If the employee also has a duty not associated with providing those services, the employee's confidential status only

applies with respect to information received about discrimination, harassment, or retaliation in connection with providing those services; or

3. n employee who is conducting an Institutional Review Board-approved human-subjects research study designed to gather information about discrimination, harassment, or retaliation. The employee's confidential status only applies with respect to information received while conducting the study.
 4. These individuals will maintain confidentiality except in extreme cases of immediacy of threat or danger or abuse of a minor, elder, or individual with a disability, or when required to disclose by law or court order.
- H. **Counter-complaints:** Claims by a Respondent against a Complainant, typically filed in answer to an original complaint.
- I. **Day:** All references to days in these Procedures refer to business days unless specifically noted as calendar days.
- J. **Decision-maker:** The person or panel who hears evidence, determines relevance, and makes the Final Determination of whether Policy has been violated and/or assigns sanctions.
- K. **Disciplinary Sanctions:** See *Sanction*
- L. **Education Program or Activity:** Locations, events, or circumstances where Earlham exercises substantial control over the context in which the discrimination, harassment, and/or retaliation occurs and also includes any building owned or controlled by a student organization that Earlham officially recognizes. This includes Clery-defined campus jurisdiction, as well as off-campus locations required as part of Earlham's curricular and co-curricular activity.
- M. **Employee:** A person employed by Earlham either full- or part-time, including student employees when acting within the scope of their employment.
- N. **Final Determination:** A conclusion by the preponderance of the evidence standard of proof that the alleged conduct did or did not violate Policy.
- O. **Finding:** A conclusion by the standard of proof that the conduct did or did not occur as alleged (as in a "finding of fact").
- P. **Grievance:** A formal complaint due to a perceived violation of Earlham's nondiscrimination and anti-harassment policies.

- Q. Informal Resolution:** A resolution process that is an alternative to a formal grievance process. Informal resolution is agreed to by the Parties and approved by the Responsible Compliance Officer prior to a Final Determination in the Resolution Process.
- R. Investigator:** The Earlham official or external consultant who is trained to investigate allegations of policy violations.
- S. Knowledge:** When Earlham receives Notice of conduct that reasonably may constitute harassment, discrimination, or retaliation in its Education Program or Activity.
- T. Mandated Reporter:** An individual with a duty to report any actual or suspected conduct that may reasonably constitute discrimination or harassment or other prohibited conduct. This duty to report extends to all Earlham employees, student workers (including teaching assistants, resident assistants, graduate assistants, etc.) contract workers on Earlham’s campus, and volunteers.
- U. Notice:** When an employee, student, or third party informs the Responsible Compliance Officer of the alleged occurrence of discriminatory, harassing, and/or retaliatory conduct.
- V. Parties:** The Complainant(s) and Respondent(s), collectively.
- W. Pregnancy or Related Conditions:** Pregnancy, childbirth, termination of pregnancy, or lactation; medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.
- X. Preponderance of the Evidence:** The standard of proof that must be met to determine responsibility for a violation of Earlham Policy. To prove an element by a preponderance of the evidence means to prove that something is “more likely than not.” In other words, when making a determination a Decision-maker will be asked whether, in light of the evidence and the policy, they believe each element of a claim or counterclaim is more likely to be true than not.
- Y. Prohibited Conduct:** Any discrimination on the basis of a protected characteristic, harassment on the basis of a preselected characteristic, sexual harassment, bullying, and retaliation, as defined in the [Nondiscrimination and Anti-Harassment Policy](#) and the policy on Sex Discrimination and Sex-based Harassment.
- Z. Protected Categories:** Personal traits, characteristics and/or beliefs that are defined by applicable state law, federal law or Earlham policy as protected from

discrimination and/or harassment, including race, color, national origin, and religion; sex, including gender, gender identity, sexual orientation, pregnancy, childbirth, and related medical conditions; age; disability; veterans and past or present service members (Title VI of the Civil Rights Act of 1964; Title VII of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; Age Discrimination Act of 1975; Vietnam Era Veterans' Readjustment Assistance Act of 1974; Uniform Services Employment and Reemployment Rights Act of 1994). Indiana law also prohibits discrimination in employment on the basis of off-duty tobacco use, and sealed or expunged arrest or conviction record (Indiana Code § 22-5-4-1, Indiana Code § 35-38-9-10).

- AA. **Relevant Evidence:** Evidence that may aid a Decision-maker in determining whether the alleged discrimination, harassment, or retaliation occurred, or in determining the credibility of the Parties or witnesses.
- BB. **Remedies:** Typically, post-resolution actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore or preserve equal access to Earlham's Education Program and Activity.
- CC. **Resolution Process:** The investigation and resolution of allegations of prohibited conduct under Earlham policies on discrimination and harassment, including Informal Resolution, Administrative Resolution, and/or Hearing Resolution.
- DD. **Respondent:** An individual who is alleged to have committed Prohibited Conduct.
- EE. **Responsible Administrator:** The College administrator with delegated responsibility for management or supervision of a department, unit or division of the institution in which the Respondent is employed or has primary affiliation.
- FF. **Responsible Compliance (s):** Employees who are responsible for ensuring Earlham nondiscrimination and anti-harassment policies and related procedures are followed. As used in these policies and procedures, the "Responsible Compliance Officer" also includes their designee(s). Responsible Compliance Officers include:
1. **Chief Diversity Officer:** The Cabinet-level Earlham administrator with responsibility for the development and implementation of diversity, equity and inclusion (DEI) initiatives within the organization. The Chief Diversity Officer receives complaints of discrimination and harassment (not based on sex or disability) involving employee respondents. The Chief Diversity Officer is appointed by the president.

2. **Chief Human Resources Officer:** The Earlham administrator with oversight over Human Resources management, labor relations policies, practices and operations. Human Resources coordinates institutional responses to employee-related discrimination and harassment complaints with the Chief Diversity Officer or the Title IX Coordinator, whichever is appropriate.
 3. **Student Conduct Officer:** The Conduct Officer is the Associate Vice President for Student Life (AVP) or designee who is responsible for initiating an investigation of alleged student violation of Earlham policy, including discrimination and harassment (not based on sex or disability), and coordinating the College's response. The Student Conduct Officer collaborates with the Chief Diversity Officer and/or Title IX Coordinator, when appropriate, on institutional responses to discrimination and harassment involving students.
 4. **Title IX Coordinator:** The Earlham employee with designated Title IX compliance authority. This individual has the primary responsibility for coordinating intake, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent sex discrimination, sex-based harassment, and retaliation prohibited under the Policy.
 5. **Section 504 Coordinator:** The Earlham employee with designated responsibility for preventing discrimination against students, employees, and others based on a disability and ensuring compliance with all procedures and procedural safeguards required under Section 504 of the Rehabilitation Act, the Fair Housing Act, and the Americans with Disabilities Act.
- GG. **Sanction:** A formal Earlham response or punishment should a Respondent be found Responsible for violation of Earlham policy.
- HH. **Sex:** Sex assigned at birth, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.
- II. **Student:** Any person who is admitted, enrolled, or registered for study at Earlham College, both undergraduate and graduate, for any academic period and/or those who may attend other educational institutions but reside in an Earlham residence facility. Those who are not officially enrolled for a specific term but who have a continuing relationship with, or an educational interest in, Earlham College are considered "students." A person also shall be regarded as a student during any period in which the student is under suspension from the institution or when the person is attending or participating in any preparatory

activity before the beginning of a school term, including, but not limited to, pre-orientation experiences, orientation, placement testing, and residence hall check-in.

JJ. Supportive Measures: Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed.

IV. Institutional Contacts for Discrimination and Harassment Reports

See contact information above under policy.

V. Confidential Campus Resources

See contact information above under policy.

VI. Initial Notice or Complaint

- A. Upon receipt of Notice, a Complaint, or Knowledge of an alleged Policy violation, the Responsible Compliance Officer (see [Definitions: Responsible Compliance Officers](#)) will initiate a prompt initial evaluation to determine appropriate steps to address alleged discrimination or harassment. The Officer will contact the Complainant/source of the Notice to offer supportive measures, provide information regarding resolution options, and determine how the Complainant wishes to proceed.
- B. Notice or Complaints of alleged violations to the [Nondiscrimination and Anti-Harassment Policy](#) and/or the policy on Sex Discrimination and Sex-based Harassment may be made verbally or in writing to the Responsible Earlham Officer named in [Institutional Contacts for Discrimination and Harassment](#).

[Reports](https://earlham.edu/report) in these Procedures or through the online reporting form at <https://earlham.edu/report>.

- C. All acts of violence, as well as incidents that pose or might pose an immediate threat to a member or members of the Earlham community should immediately be reported to Public Safety at 765-983-1400 or to law enforcement.

VII. Initial Evaluation

- A. Following receipt of notice or complaint, the Responsible Compliance Officer conducts an initial evaluation, typically within five (5) business days of receiving notice or complaint of alleged misconduct.
- B. The initial evaluation typically includes:
 - 1. Assessment for risk of a substantial, compelling, and/or immediate risk to health and/or safety of an individual or the community. When circumstances of a report indicate a potential threat to safety of an individual or campus, the Responsible Compliance Officer will work with the Public Safety Director, VP for Student Life or designee, and other relevant College offices to determine whether any emergency actions are required. This may include Clery Act Timely Warning, Emergency Removal, or other reasonable emergency steps.
 - 2. Assessment of whether the reported conduct may reasonably constitute a violation of the Policy. If the conduct does not reasonably constitute a violation of the Policy, the matter is typically dismissed from this process, consistent with the dismissal provision in these procedures. It may then be referred to another grievance process, if applicable.
 - 3. Determining whether Earlham has jurisdiction over the reported conduct, as defined in the Policy. If the conduct is not within Earlham's jurisdiction, the matter is typically dismissed from this process, consistent with the dismissal provision in these procedures.
 - 4. Offering and coordinating supportive measures for the Complainant. *See [Supportive Measures](#).*
 - 5. Notifying the Complainant, or the person who reported the allegation(s), of the resolution options, including a supportive and remedial response, an Informal Resolution option, or the Formal Resolution Process described below.
 - 6. Determining whether the Complainant wishes to make a Complaint.

7. The Responsible Compliance Officer will provide the Complainant with a written Summary of Allegation, which includes information about the policy and procedures, supportive measures, the option to file a Complaint, resolution options, privacy information and prohibition of retaliation, as well as decision to refer the report to a grievance process when appropriate.
 8. If the Complainant requests supportive measures or chooses to file a Complaint, the Responsible Compliance Officer will notify the Respondent of the resolution processes; provide supportive measures to both Parties, and provide parties with resolution options.
- C. At the conclusion of an initial evaluation, the Responsible Compliance Officer will make one of the following determinations:
1. **Information is Sufficient and Compelling.** There is sufficient and compelling evidence to warrant further investigation of allegation of discrimination, harassment or other Prohibited Conduct.
 2. **Refer to Another Process.** Behavior was inappropriate but not a violation of Earlham policies on discrimination and harassment. Refer to Student Conduct or Employee disciplinary process, as appropriate.
 3. **Information is Insufficient.** There is insufficient information to warrant further investigation. Dismiss complaint. Option of continued supportive measures. See [Dismissal](#).
- D. Where there is sufficient and compelling information upon initial evaluation, and if the Complainant indicates in writing or verbally that they wish to initiate a Complaint, the Responsible Compliance Officer will help to facilitate the Complaint, which will include working with the Complainant to pursue one of the available resolution pathways:
1. [Informal Resolution](#), which includes Supportive Resolution, Educational Conversation, or Alternative Resolution (such as mediation); or
 2. **Formal Resolution**, which may include an [Administrative Alternative Resolution](#) or a [Hearing Resolution](#).
- E. The Responsible Compliance Officer will seek to abide by the wishes of the Complainant but may have to take an alternative approach depending on their analysis of the situation. See [Earlham's Authority to Initiate a Complaint](#) for

more information about circumstances when this step would be appropriate or necessary.

- F. If the Complainant elects for the Formal Resolution Process, the Responsible Compliance Officer will provide the Parties with a Notice of Investigation and Allegation(s), and will initiate an investigation consistent with these Procedures.
- G. If all Parties indicates (either verbally or in writing) that they want to pursue an [Informal Resolution option](#), the Responsible Compliance Officer will assess whether the matter is suitable for Informal Resolution and initiate that process, accordingly.
- H. If the Complainant indicates (either verbally or in writing) that they do not want any action taken, no Resolution Process will be initiated (unless deemed necessary by the Responsible Compliance Officer), though the Complainant can elect to initiate one later, if desired. The Complainant may request appropriate and reasonable supportive and remedial measures to preserve their access to Earlham's Education Program or Activity, even when they ask that no Resolution Process be initiated.

VIII. Initial Assessment Under Title IX

Following receipt of notice or a complaint of an alleged sex-based harassment, the Title IX Coordinator⁴ engages in an initial assessment. In addition to the steps noted in [Initial Evaluation](#) above, the assessment will include a determination of whether the alleged misconduct falls within the scope of Title IX as defined in the 2020 Final Rule⁵:

- A. **If it does**, the Title IX Coordinator will initiate the formal investigation and grievance process, directing the investigation to address:
 - 1. an incident, and/or a pattern of alleged misconduct, and/or
 - 2. a culture/climate issue, based on the nature of the complaint.
- B. **If it does not**, the Title IX Coordinator will “dismiss” that aspect of the complaint, assesses which policies may apply, and proceed accordingly. Dismissing a complaint under Title IX is procedural and does not limit

⁴ If circumstances require, the Chief Diversity Officer will designate another person to oversee the process below should an allegation be made about the Coordinator or the Coordinator be otherwise unavailable or unable to fulfill their duties.

⁵ Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance. 34 C.F.R. § 106. <https://www.federalregister.gov/d/2020-10512>

Earlham's authority to address a complaint with an appropriate process and remedies.

IX. Supportive Measures

- A. Earlham will offer and implement appropriate and reasonable supportive measures to the Parties upon Notice of alleged discrimination, harassment, and/or retaliation. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate and reasonably available. They are offered, without fee or charge to the Parties, to restore or preserve access to the Earlham's education program or activity, including measures designed to protect the safety of all Parties and/or the Earlham's educational environment and/or to deter discrimination, harassment, and/or retaliation.
- B. The Responsible Compliance Officer promptly makes supportive measures available to the Complainant upon receipt of notice or complaint, and to Respondent after the Respondent is notified of an allegation.
- C. At the time that supportive measures are offered, Earlham will inform the Complainant, in writing, that they may file a Complaint either at that time or in the future, if they have not done so already. The Responsible Compliance Officer works with a Party to ensure that their wishes are considered with respect to any planned or implemented supportive measures.
- D. A Responsible Compliance Officer will document supportive and remedial measures in the Summary of Allegations.
- E. Earlham will maintain the privacy of supportive measures, only sharing limited information to individuals whom the College determines are necessary to provide supportive measures to parties.
- F. Earlham will act to ensure minimal academic and/or occupational impact on the Parties. Earlham will implement measures in a way that does not unreasonably burden any party.
- G. Supportive measures may include but are not limited to:
 - Referral to counseling, medical, and/or other healthcare service
 - Referral to the Employee Assistance Program
 - Referral to community-based service providers
 - Visa and immigration assistance

- Student financial aid counseling
- Education to the institutional community or community subgroup(s)
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Providing transportation assistance
- Implementing contact limitations (no contact orders) between the Parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Trespass, Persona Non Grata (PNG), or Be-On-the-Lookout (BOLO) orders
- Timely warnings
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Responsible Compliance Officer

H. Parties are provided with a timely opportunity to seek modification or reversal of the Earlham's decision to provide, deny, modify, or terminate supportive measures applicable to them. A request to do so should be made in writing to the Responsible Compliance Officer.

I. The Chief Diversity Officer, in consultation with the Student Conduct Officer or Human Resources, has authority to modify or reverse the decision to provide, deny, modify, or terminate the supportive measures if they are inconsistent with the definition of supportive measures.

X. Earlham's Authority to Initiate a Complaint

A. If the Complainant does not wish to file a Complaint, the Responsible Compliance Officer will offer supportive measures and determine whether to initiate a Complaint on behalf of Earlham. To make this determination, the

Responsible Compliance Officer will assess whether the approved supportive measures will adequately ensure safety and preserve individual and community equal access to education without initiating a Complaint. The Responsible Compliance Officer will consider the following non-exhaustive factors to determine whether to file a Complaint:

1. The Complainant's request not to proceed with initiation of a Complaint;
 2. A risk assessment of situation for potential threat to the safety of the Parties or the campus community, as well as the Complainant's reasonable safety concerns regarding initiation of a Complaint;
 3. The risk that additional acts of discrimination or harassment would occur if a Complaint is not initiated;
 4. The severity of the alleged discrimination or harassment, including whether the discrimination, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
 5. The age and relationship of the Parties, including whether the Respondent is an Earlham employee;
 6. The scope of the alleged discrimination, including information suggesting a pattern, ongoing discrimination, or discrimination alleged to have impacted multiple individuals;
 7. The availability of evidence to assist a Decision-maker in determining whether discrimination occurred;
 8. Whether Earlham could end the alleged discrimination and prevent its recurrence without initiating its resolution process.
- B. If deemed necessary, the Responsible Compliance Officer may consult with appropriate Earlham employees, and/or conduct an additional risk assessment to aid their determination whether to initiate a Complaint.
- C. When the Responsible Compliance Officer initiates a Complaint on behalf of the College, they do not become the Complainant. The Complainant is the person

who experienced the alleged conduct that could constitute a violation of this Policy.

XI. Dismissal

A. Mandatory Dismissal under Title IX

Earlham must dismiss a formal complaint of Title IX sexual harassment if, at any time during the investigation or hearing, it is determined that⁶:

1. The conduct, even if true, does not meet the definition of sexual harassment under Title IX;
2. The conduct did not occur in an educational program or activity controlled by Earlham;
3. The conduct did not occur against a person in the United States; and/or
4. At the time of filing a formal complaint, a complainant was not participating in or attempting to participate in an Earlham education program or activity.

A mandatory dismissal under Title IX is a procedural matter that does not preclude Earlham from addressing, as appropriate, any conduct alleged to be a violation of Earlham policy.

B. Discretionary Dismissal

The Responsible Compliance Officer may dismiss a Complaint if, at any time during an investigation or resolution process, one or more of the following grounds are met:

1. Earlham is unable to identify the Respondent after taking reasonable steps to do so, or
2. Earlham no longer enrolls or employs the Respondent, or
3. A Complainant voluntarily withdraws any or all of the allegations in the Complaint, and the Responsible Compliance Officer declines to initiate a Complaint, or
4. Earlham determines the conduct alleged in the Complaint would not constitute a policy violation, if proven, or

⁶ Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance. 34 C.F.R. § 106.45(b)(3)(i). <https://www.federalregister.gov/d/2020-10512/p-3361>

5. Specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

C. Dismissal After Formal Resolution Process Has Begun

Even after a Formal Resolution Process has begun, a Decision-maker can recommend dismissal to the Responsible Compliance Officer, if they believe the grounds are met. A Complainant who decides to withdraw a Complaint may later request to reinstate or refile it.

D. Notice of Dismissal

Upon any dismissal, Earlham will promptly send the Complainant written notification of the dismissal and the rationale for doing so. If the dismissal occurs after the Respondent has been made aware of the allegations, Earlham will also notify the Respondent of the dismissal.

E. Appeal of Dismissal

1. A dismissal decision is appealable by either party. The Complainant may appeal a dismissal of their Complaint. The Respondent may also appeal the dismissal of the Complaint if dismissal occurs after the Respondent has been made aware of the allegations. All dismissal appeal requests must be made in writing to the Responsible Compliance Officer within three (3) business days of the notification of the dismissal.
2. The Responsible Compliance Officer will notify the Parties of any appeal of the dismissal. If, however, the Complainant appeals, but the Respondent was not notified of the Complaint, the Responsible Compliance Officer must notify the Respondent of the Complainant's allegation and appeal, and provide the Respondent with an opportunity to respond.
3. Throughout the dismissal appeal process, Earlham will:
 - 3.1. Implement dismissal appeal procedures equally for the Parties;
 - 3.2. Assign a Dismissal Appeal Panel to include three Responsible Compliance Officers who did not take part in the investigation of the allegations or dismissal of the Complaint;
 - 3.3. Provide the Parties with a reasonable and equal opportunity to provide a written statement in support of, or challenging, the dismissal; and
 - 3.4. Notify the Parties in writing of the result of the appeal and the rationale for the result.

4. The grounds for dismissal appeals are limited to:
 - 4.1. Procedural irregularity that would change the dismissal outcome;
 - 4.2. New evidence that would change the outcome and that was not reasonably available when the dismissal was decided;
 - 4.3. The Responsible Compliance Officer, Investigator, or Decision-maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome.
5. Upon receipt of a dismissal appeal in writing from one or more Parties, the Responsible Compliance Officer will share the request with the other party and provide three (3) business days for other Parties to respond to the request. The appeal should specify at least one of the grounds above and provide any reasons or supporting evidence for why the ground is met. This appeal will be provided in writing to the other Parties, who will be invited to respond in writing. At the conclusion of the response period, the Responsible Compliance Officer will forward the appeal, as well as any response provided by the other Parties to the Dismissal Appeal Panel for consideration.
6. If the Request for Appeal does not provide information that meets the grounds in these Procedures, the request will be denied by the Dismissal Appeal Panel, and the Parties, their Advisors, and the Responsible Compliance Officer will be notified in writing of the denial and the rationale.
7. If any of the asserted grounds in the appeal satisfy the grounds described in these Procedures, one of the Dismissal Appeal Panel will notify all Parties and their Advisors, and the Responsible Compliance Officer, of their decision and rationale in writing. The effect will be to reinstate the Complaint.
8. In most cases, appeals are confined to a review of the written documentation or record of the original determination and pertinent documentation regarding the specific appeal grounds. The Dismissal Appeal Panel has seven (7) business days to review and decide on the appeal, though extensions can be granted at the discretion of the Responsible Compliance Officer, and the Parties will be notified of any extension.
9. Appeal decisions are deferential to the original determination, making changes only if there is a compelling justification to do so.
10. The Dismissal Appeal Panel may consult with the Responsible Compliance Officer and/or legal counsel on questions of procedure or rationale for clarification, if needed. The Responsible Compliance Officer will maintain documentation of all such consultation.

XII. Emergency Removal

- A. Earlham can act to remove a Respondent from its education program or activity, partially or entirely, on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual. This risk analysis is performed by the Responsible Compliance Officer in conjunction with the Associate Vice President of Student Life and/or the Chief Safety Officer⁷, or their designees using a standard and objective violence risk assessment.
- B. Employees are subject to existing procedures for interim actions and leaves as described in the *Employee Handbook*.
- C. In all cases in which an emergency removal is imposed, the Respondent will be given written notice of the action, which will include a rationale, specific conditions of the removal process, and the option to challenge the emergency removal or interim suspension within two (2) business days of the notification. Individuals subject to Emergency Removal have the option to request a meeting with the Responsible Compliance Officer prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified.
- D. When a Respondent does not challenge an emergency removal within two (2) days of notification, objections to the emergency removal or interim suspension will be deemed waived.
- E. A “show cause” meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate, should be modified, or lifted. The Respondent may provide information, including expert reports, witness statements, communications, or other documentation for consideration prior to or during the meeting. When applicable, a Complainant may provide information to the Responsible Compliance Office for review.
- F. An emergency removal may be affirmed, modified, or lifted as a result of a requested review or as new information becomes available. The Responsible Compliance Office will communicate the final decision in writing, typically within three (3) business days of the review meeting. A Respondent may later

⁷ The Chief Safety Officer refers to the administrator, whatever their title might be, who is responsible for management and oversight of Public Safety and institutional risk management.

- request a meeting to show why they are no longer an imminent and serious threat because conditions related to imminence or seriousness have changed.
- G. There is no appeal process for emergency removal decisions, though the Chief Safety Officer has the final discretion under these procedures to implement or stay an emergency removal and to determine the conditions and duration of such action/removal.
 - H. Violation of an emergency removal under these Procedures will be grounds for discipline, which may include expulsion or termination.
 - I. At the discretion of the Responsible Compliance Officer, and in conjunction with the Associate Academic Dean for Students, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties.
 - J. Emergency removal is not “relevant evidence” that can be considered in reaching a determination. See [Evidence](#) and [Evidentiary Considerations for a Hearing](#).

XIII. Counter-complaints

- A. Earlham is obligated to ensure that the resolution process is not abused for retaliatory purposes. Although Earlham permits the filing of Counter-complaints, the Responsible Compliance Officer will use [an initial evaluation](#), described above, to assess whether the allegations in the Counter-complaints are made in good faith. When Counter-complaints are not made in good faith, they will not be permitted. They will be considered potentially retaliatory and may constitute a violation of Earlham Policy.
- B. Counter-complaints determined to have been reported in good faith will be processed using the appropriate Resolution Process. At the Responsible Compliance Officer’s discretion, investigation of such claims may take place concurrently or after resolution of the initial Complaint.

XIV. Advisors in the Resolution Process

A. Selection of Advisor

- 1. Complainants and Respondents may be accompanied to any meeting, Informal Resolution session, interview, and/or hearing related to the Resolution procedures outlined in these Procedures, by an Advisor of their choice. The Parties may select whomever they wish to serve as their Advisor as long as the Advisor is eligible and available, meaning they have the inclination and time to fulfill the expectations of an advisor.

- 1.1 Advisors cannot have institutionally conflicting roles, such as being an administrator who has an active role in the matter or a supervisor who must monitor and implement sanctions.
 - 1.2 Individuals serving as Confidential Resources may not serve as Advisors, although they may continue to provide supportive measures for the Parties.
 - 1.3 Choosing an Advisor who is also a witness in the process creates potential for bias and conflicts of interest. In a Formal Resolution process, the Decision-maker(s) will address issues of potential bias and credibility in witness testimony, because of the information the witness may have accessed through their role as Advisor.
 - 1.4 Earlham cannot guarantee equal advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, Earlham is not obligated to provide an attorney to advise that party.
2. The Responsible Compliance Officer will offer to assign a trained Advisor to any party if the party chooses.
 3. A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. Parties are expected to provide the Responsible Compliance Officer with timely notification if they change Advisors. If a party changes Advisors, consent to share information with the previous Advisor is assumed to be terminated, and a release for the new Advisor must be submitted.
 4. Earlham may permit Parties to have more than one Advisor, or an Advisor and a support person, upon special request to the Responsible Compliance Officer. The decision to grant this request is at the Responsible Compliance Officer's sole discretion and will be granted equitably to all Parties.

B. Advisor Responsibilities

1. When parties elect to have an Advisor, the Advisor is required to attend a meeting with the Responsible Compliance Officer to review these procedures and the role of an advisor and privacy considerations outlined below.

2. The purpose of an Advisor is to help the Party navigate the grievance process. Advisors should help Parties to prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.
3. Employees serving as Advisors remain Mandated Reporters and should assist the Parties they are advising with reporting additional policy violations or crimes when they gain Knowledge of such violations or crimes.
4. Parties are expected to ask and respond to questions on their own behalf in meetings and interviews. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed or by conferring or passing notes. For longer or more involved discussions, the Parties and their Advisors should ask for breaks to allow for private consultation.
5. Both parties are required to have an Advisor for a hearing to facilitate the review and questioning of evidence in a hearing. If a party does not have an advisor present at the live hearing, Earlham will provide, without fee or charge to that party, a trained Advisor of Earlham's choice who may be, but is not required to be, an attorney to conduct cross-examination on behalf of that party.
6. Each party's Advisor will have an opportunity to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility.
7. Advisors may not provide testimony or speak on behalf of their advisee in meetings.
8. Earlham generally expects an Advisor to adjust their schedule to allow them to attend meetings, interviews, and/or hearings during the resolution process.
 - 8.1. Earlham may change scheduled meetings, interviews, and/or hearings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.
 - 8.2. Earlham may also make reasonable provisions to allow an Advisor who cannot be present in person to attend meetings, interviews, and/or hearings by telephone, video conferencing, or other similar technologies. Parties should request this exception in writing from the Responsible Compliance Officer.

C. Records Shared with Advisors

1. Advisors will receive access to the investigation report that contains the report narrative and all submitted evidence produced in the investigation, unless the party they are advising indicates in writing that the advisor should not be able to access the evidence.
2. Advisors are expected to maintain the confidentiality of the records the College shares with them (see [Appendix B: Privacy, Privilege, and Confidentiality](#)). Advisors may not disclose any Earlham work product or evidence obtained solely through the Resolution Process for any purpose not explicitly authorized by Earlham.
3. Accordingly, Advisors will be asked to sign Non-Disclosure Agreements (NDAs). Earlham may decline to share materials with any Advisor who has not executed an NDA.
4. Earlham may restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by Earlham's confidentiality and privacy guidelines.

D. Advisor Policy Violations

Any Advisor who oversteps their role as defined by these Procedures, who discloses information or evidence in a manner inconsistent with Earlham Policy, or who refuses to comply with the Earlham's established rules of decorum, will be warned one time. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting, interview and/or hearing may be ended, or other appropriate measures will be implemented, including requiring the party to use a different Advisor or providing a different Earlham-appointed Advisor. Subsequently, the Responsible Compliance Officer will determine how to address the Advisor's non-compliance and future role.

XV. Resolution Timeline

- A. Earlham will conduct prompt, thorough, and equitable resolution processes. Generally, the Resolution Process within sixty to ninety (60-90) business days, including any appeals, which can be extended as necessary for appropriate cause by the Responsible Compliance Officer. The Parties will receive regular updates on the progress of the Resolution Process, as well as notification and a rationale

- for any extensions or delays, and an estimate of how much additional time will be needed to complete the process.
- B. Investigations are completed expeditiously, although some investigations may take longer, depending on issues such as the nature, extent, and complexity of the allegations, witness availability, law enforcement involvement, and other factors.
 - C. If a party or witness chooses not to participate in the Resolution Process or becomes unresponsive, Earlham reserves the right to continue the resolution process without their participation to ensure a prompt resolution. Earlham will make reasonable attempts to reach an unresponsive party. The Responsible Compliance Officer will provide non-participatory or unresponsive Parties written notification that they retain the rights outlined in these Procedures and continue to have the opportunity to participate in the Resolution Process.
 - D. Earlham may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include but are not limited to a request from law enforcement to delay the investigation temporarily, the need for language assistance, the absence of Parties and/or witnesses, and/or health conditions. Earlham will promptly resume its Resolution Process as soon as feasible. During such a delay, Earlham will implement and maintain supportive measures for the Parties as deemed appropriate.
 - E. Earlham action(s) or processes are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.
 - F. Earlham will make a good faith effort to complete the Resolution Process as promptly as circumstances permit, while still preserving its commitment to a thorough and equitable resolution process. The Responsible Compliance Officer will communicate regularly with the Parties to update them on the progress and timing of the process.

XVI. Ensuring Impartiality

- A. Any individual materially involved in the administration of the Resolution Process, including the Responsible Compliance Officer, Investigator(s), and Decision-maker(s), may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.
- B. The Responsible Compliance Officer will vet the assigned Investigator(s), Decision-maker(s), and Appeals officers for impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. At any time

- during the Resolution Process, the Parties may raise a concern in writing regarding bias or conflict of interest, and the Responsible Compliance Officer will determine whether the concern is reasonable and supportable. If so, the Responsible Compliance Officer will assign a new and equally trained Investigator(s), Decision-maker(s), or Appeals Officer, and the impact of the bias or conflict, if any, will be remedied.
- C. Parties should raise a concern about the impartiality of the Responsible Compliance officer with the appropriate supervisor.
- D. The Resolution Process involves an objective evaluation of all available relevant and not otherwise impermissible evidence, including evidence that supports that the Respondent engaged in a Policy violation and evidence that supports that the Respondent did not engage in a Policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness. All Parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence, and to receive a written investigation report that accurately summarizes this evidence.

XVII. Resolution Options

Earlham offers three processes for resolution of grievances:

- [Informal Resolution](#)
- [Administrative Resolution](#) (a formal resolution)
- [Hearing Resolution](#) (a formal resolution)

Earlham considers the preferences of the Complainant in selecting the process by which any grievance is resolved; however, the Responsible Compliance Officer, after careful evaluation of the factors described in these procedures, has the ultimate discretion to determine the most appropriate process.

XVIII. Resolution Options for Title IX Sexual Harassment

To adequately address reports of sexual harassment, the following options are offered (after filing a formal Complaint):

- Record of complaint followed by supportive and remedial response
- [Informal Resolution](#)
- [Hearing Resolution](#) (a formal resolution)

- A. In order to pursue Informal Resolution or Hearing Resolution under Title IX, Earlham is legally required to have a signed formal Complaint.

Informal Resolution is not an appropriate process for resolving complaints of Title IX sexual harassment when the Complainant is a Student and the Respondent is an Employee.

XIX. Informal Resolution

A. Availability of Informal Resolution Process

1. An Informal Resolution Process is a voluntary, structured interaction between Parties to resolve concerns raised in the Complaint. Informal resolution includes conflict resolution practices with the goal of helping the participants identify and achieve effective and just outcomes. The process generally involves examination of attitudes and behaviors that contributed to the conflict or harm and an effort to identify accountability measures that could repair harm and discourage future harm.
2. Informal Resolution does not result in College-mandated disciplinary action against the Respondent, although the Parties may agree upon sanctions as part of an Informal Resolution Agreement.
3. The College will support the Parties in implementing appropriate and reasonable outcomes identified in a signed resolution agreement.
4. Informal Resolution is unavailable if either Party does not want to participate in that process or if the Responsible Compliance Officer determines an Informal Resolution is not appropriate for the circumstances.
5. While a specific violation may be addressed through Informal Resolution Process, the Responsible Compliance Officer must take other appropriate, prompt, and effective steps to ensure that discrimination and harassment does not continue or recur within Earlham's education program or activity.

B. Request for Informal Resolution

1. To initiate Informal Resolution, a Complainant may request an Informal Resolution process as part of the Complaint. If a Formal Resolution process is underway, a Respondent may make such a request to the Responsible Compliance Officer at any time prior to a Final Determination, or the Responsible Compliance Officer may offer the option to the Parties, in writing, if appropriate.

2. Earlham will obtain voluntary, written confirmation that all Parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure Parties to participate in Informal Resolution.
 - 2.1 Earlham will not require a waiver of the right to an investigation and determination of a Complaint as a condition of enrollment or continuing enrollment, or employment or continuing employment, or exercise of any other right.
 - 2.2 It is not necessary to pursue Informal Resolution first in order to pursue an Administrative Resolution or Hearing Resolution. Any party participating in Informal Resolution can withdraw from the Informal Resolution Process at any time and initiate or resume the Administrative Resolution or Hearing Resolution.

C. Assessment for Availability of Informal Resolution

1. The Responsible Compliance Officer will determine whether Informal Resolution is appropriate, or which form of Informal Resolution may be most successful for the Parties. The assessment may include the following factors:
 - 1.1 The nature and severity of the alleged misconduct, including Complaint complexity.
 - 1.2 The results of a risk assessment indicating potential threat to individuals and the community, the need for an emergency removal or other interim action, or the Respondent's disciplinary history or evidence of a pattern of conduct.
 - 1.3 The Parties' goals and motivation to participate in Informal Resolution, including the level of civility and the emotional investment/capability of the Parties.
 - 1.4 Any power dynamics between the Parties that may have an impact on the Parties' equal access to Earlham's education program or activity. (For example, Informal Resolution may not be an appropriate process when the Respondent is an employee and the Complainant is a student.)
 - 1.5 Adequate resources to invest in a particular Informal Resolution option (e.g., time, staff, skill of facilitator with the type of Complaint, etc.).

D. Notice of Informal Resolution

1. If the above conditions are met and both Parties willingly agree to participate in an Informal Resolution process, the Responsible Compliance Officer will work with the Parties and, as appropriate, a trained facilitator, which may be a College employee or external trained professional. Together, they will design and draft a written agreement to facilitate the appropriate resolution process and/or accept the Parties' proposed resolution. The Responsible Compliance Office will provide the Parties and their Advisors with a Notice of Informal Resolution (NIR) that explains:
 - 1.1 A summary of allegations;
 - 1.2 Assurance that all parties have access to appropriate supportive measures;
 - 1.3 Information about choice of Advisor and the role of an Advisor in an Informal Resolution;
 - 1.4 Information regarding participation in good faith, and prohibition of false statements;
 - 1.5 The requirements of the process, including goals and agreed-upon ground rules;
 - 1.6 Assurance that any party has the right to withdraw from the Informal Resolution process and to initiate or resume Earlham's Administrative Resolution or Hearing Resolution Process;
 - 1.7 That the Parties' agreement to a resolution at the conclusion of the Informal Resolution process will preclude the Parties from initiating or resuming the resolution process arising from the same allegations;
 - 1.8 The potential terms that may be requested or offered in an Informal Resolution agreement, including notification that an Informal Resolution agreement, are binding only on the Parties;
 - 1.9 Prohibition of retaliation and unauthorized disclosures, including the terms of confidentiality, release, and non-disparagement.

- 1.10 Earlham's recordkeeping policy, and whether and how Earlham could disclose such information for use in a Formal Resolution Process.
2. Written notice will be sent to the parties' College-issued email, along with an invitation to meet with the Responsible Compliance Officer and/or trained facilitator. Once emailed and/or received in-person, the notice will be presumptively delivered. If a Party does not contact the Responsible Compliance Officer within three (3) business days of delivery of notice, Earlham may use other methods of contact, such as in person or by mail to local or permanent address(es) of the parties as indicated in official College records.
3. Both parties must meet with the Responsible Compliance Officer and/or trained facilitator to review the NIR and explain the process, requirements, and potential outcome.
4. Both parties must sign the written agreement in advance and agree to abide by the leadership of the facilitator.
5. If the parties agree to an Informal Resolution process, Earlham assures that the process will be handled in a civil, age-appropriate, culturally-competent manner and be reflective of power imbalances. Both parties will have access to supportive measures before, during, and following an informal resolution process as appropriate to their needs and the situation.

E. Categories of Informal Resolution

Earlham offers the following options for Informal Resolution, all of which include a written Notice of Informal Resolution and Informal Resolution Agreement, along with steps to remedy the discrimination or harassment and prevent future violations of Policy.

1. **Supportive Resolution:** When the Responsible Compliance Officer can resolve the matter informally by providing supportive measures (only) designed to remedy the situation. Such measures are non-disciplinary and non-punitive.
2. **Educational Conversation:** When the Responsible Compliance Officer can resolve the matter informally by having a conversation with the Respondent to discuss the Complainant's concerns and institutional expectations or can accompany the Complainant in their desire to discuss the conduct with the Respondent. Such a conversation is non-disciplinary

and non-punitive. If a conversation takes place, a summary of the conversation will be documented in the Informal Resolution Agreement. The Responsible Compliance Officer may also implement remedial actions to ensure that Earlham policies are clear and to minimize the risk of recurrence of any behaviors that may not align with Policy. Future incidents would not be eligible for educational conversation.

3. **Alternative Resolution:** When Parties agree to resolve the matter through an alternative resolution mechanism (which could include, but is not limited to, mediation, shuttle negotiation, restorative practices, facilitated dialogue, etc.), as described below.
 - 3.1. **Facilitated Dialogue:** A structured and facilitated conversation between two or more individuals, including, but not limited to the Parties, which allows for perspectives to be shared and experiences to be understood. Participants will work towards the development of a shared agreement.
 - 3.2. **Shuttle Mediation:** An indirect version of the Facilitated Dialogue.
 - 3.3. **Negotiated Resolution:** An agreement between parties without the need for a full investigation or findings. The process is mediated by the Responsible Compliance Officer, Ombudsperson, or other trained mediator.
 - 3.4. **Restorative Practices:** A “collaborative decision-making process that includes harmed parties, people who caused harm, and others to seek a resolution that includes a) accepting and acknowledging responsibility for harmful behavior, b) repairing the harm caused to individuals and the community, and c) working to rebuild trust by showing understating of the harm, addressing personal issues, and building positive social connections.”⁸

F. Informal Resolution Steps

1. The facilitator may utilize a technology-facilitated process or in-person meetings, but all parties must agree upon the method. The Informal Resolution format should be appropriate for the alleged violation and the goals of the parties.
2. Informal Resolution meetings are not recorded and the participants are not permitted to record any meetings.

⁸ David R. Karp. *The Little Book of Restorative Justice for Colleges and Universities: Repairing Harm and Rebuilding Trust in Response to Student Misconduct*, 2nd Ed (p.10). Good Books; 2019.

3. Informal Resolution typically involves a minimal number of essential parties in order to ensure confidentiality.
4. The facilitator will provide a written summary of the process as part of the Informal Resolution Agreement.
5. Any notes taken by the facilitator may not be used in a formal grievance process. The facilitator may not be called as a witness in a formal grievance process.
6. Once the Parties have agreed upon and signed the Informal Resolution Agreement, the facilitator will provide a final summary to the Responsible Compliance Officer, describing the process and resolution agreement that was achieved.
7. Either party can request to end an Informal Resolution Process early-, mid-, or late-process for any reasons.

G. Outcome of Informal Resolution

1. Both parties must agree in writing that the allegation in the formal complaint has been resolved to their satisfaction. The Responsible Compliance Officer has the authority to determine whether Information Resolution is successful, to facilitate a resolution that is acceptable to all Parties, and/or to accept the Parties' proposed resolution, usually through their Advisors, often including terms of confidentiality, release, and non-disparagement.
2. As part of the resolution process, additional measures (including, but not limited to educational programming, training, regular meetings with an appropriate College individual or resource, extensions of no contact orders, or counseling sessions) may be agreed upon.
3. Informal Resolution may result in the voluntary acceptance of non-punitive restrictions on either Party to ensure safety and equitable educational access.
4. Parties do not have the authority to stipulate restrictions or obligations for individuals or groups that are not involved in the Informal Resolution process.
5. The Responsible Compliance Officer will determine whether additional individual or community remedies are necessary to meet the institution's compliance obligations in addition to the Alternative Resolution.

H. Informal Resolution Agreement

1. The Responsible Compliance Officer will provide both parties with a written Informal Resolution Agreement, which will include a summary of the steps taken in the Informal Resolution process, the mutually agreed upon conditions for resolution, and confirmation that the Complaint has been resolved.
2. The Informal Resolution Agreement will be shared with both parties and their Advisors. Parties must sign the agreement for the Informal Resolution process to be completed.
3. The Responsible Compliance Officer oversees any sanctions or remedies that follow from the informal resolution agreement, and may include appropriate employees and individuals to implement appropriate remedies or sanctions.
4. The final outcome of an Informal Resolution process is not subject to appeal once all parties indicate their written assent to all agreed upon terms of resolution.
5. Failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions (e.g., dissolution of the Agreement and resumption of the Resolution Process, referral to the conduct process for failure to comply, application of the enforcement terms of the Agreement, etc.). The results of Complaints resolved by Alternative Resolution are not appealable.

XX. Formal Investigation of Allegation(s)

When an initial evaluation finds **Information is Sufficient and Compelling**, and if Parties have not entered into an Informal Resolution Process, or when an Informal Resolution Process Fails, the Responsible Compliance Officer will commence a formal investigation.

A. Notice of Investigation and Allegations

1. Prior to an investigation, the Responsible Compliance Officer will provide the Parties with a written Notice of Investigation and Allegations (NOIA). Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various allegations. For climate/culture investigations that do not have an identifiable Respondent, the NOIA will be sent to the department/office/program head for the area/program being investigated.

2. The NOIA typically includes:

- A meaningful summary of all allegations
- The identity of the involved Parties (if known)
- The precise misconduct being alleged
- The date and location of the alleged incident(s) (if known)
- The specific policies/offenses implicated
- A description of, link to, or copy of the applicable procedures
- A statement that the Parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence
- The name(s) of the Investigator(s), along with a process to identify to the Responsible Compliance Officer, in advance of the interview process, any conflict of interest that the Investigator(s) may have
- A statement that Earlham presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination
- A statement that determinations of responsibility are made at the conclusion of the process and that the Parties will be given an opportunity during the review and comment period to inspect and review all relevant evidence
- A statement that retaliation is prohibited
- Information about the confidentiality of the process, including that the Parties and their Advisors (if applicable) may not share Earlham work product obtained solely through the Resolution Process
- A statement that the Parties may have an Advisor of their choice who may accompany them through all steps of the Resolution Process
- A statement informing the Parties that the Earlham's Policy prohibits knowingly making false statements, including knowingly submitting false information during the Resolution Process
- Detail on how a party may request disability accommodations during the Resolution Process

- A link to the Earlham's Violence Against Women Act Brochure (when appropriate)
 - An instruction to preserve any evidence that is directly related to the allegations
3. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address(es) of the Parties as indicated in official Earlham records, or emailed to the Parties' Earlham-issued email. Once mailed, emailed, and/or received in person, the notification will be presumptively delivered.

B. Investigator Appointment

The Responsible Compliance Officer appoints an Investigator(s) to conduct a formal investigation. These Investigators may be any properly trained individual, whether internal or external to the Earlham community. The Investigator(s) typically take(s) the following steps, if not already completed and not necessarily in this order.

1. Work with the Responsible Compliance Officer and the NOIA to:
 - 1.1 Determine the identity and contact information of the Parties.
 - 1.2 Identify all policies implicated by the alleged misconduct and notify the Complainant and Respondent of all specific policies implicated.
 - 1.3 Assist the Responsible Compliance Officer, if needed, with conducting a prompt initial evaluation to determine if the allegations indicate a potential Policy violation.
2. Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for the Parties and witnesses.
3. When participation of a party is expected, provide that party with written notification of the date, time, and location of the meeting, as well as the expected participants and purpose.
4. Make good faith efforts to notify each party of any meeting or interview involving another party, in advance when possible.

5. Interview the Complainant and the Respondent and conduct follow-up interviews with each, as necessary.
6. Interview all available, relevant witnesses and conduct follow-up interviews as necessary.
7. Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes (or transcript or recording) of the relevant evidence/testimony from their respective interviews and meetings.
8. Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of another party and/or witnesses. Document in the investigation report which questions were asked, with a rationale for any changes or omissions.
9. Where possible, complete the investigation promptly and without unreasonable deviation from the intended timeline.
10. Provide the Parties with regular status updates throughout the investigation, including written notice of and reason for any significant delays.
11. Prior to the conclusion of the investigation, provide the Parties and their respective Advisors with a list of witnesses whose information will be used to render a finding.

C. Components of an Investigation

1. All investigations are adequate, thorough, reliable, impartial, prompt, and fair. They involve interviews with all relevant Parties and witnesses, obtaining relevant evidence, and identifying sources of expert information, as necessary.
 - 2.1 **Burden of Responsibility:** Earlham is responsible for maintaining an environment free from discrimination and harassment; therefore, the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on Earlham and not the Parties. As such:
 - 2.2 Even if a Complainant chooses not to participate in an investigation, Earlham may be required, or may otherwise deem it necessary and protective of the community, to commence with the

investigation and take formal action to address, prevent, and remedy discrimination and harassment.

- 2.3 In cases where Parties choose not to participate in an investigation, and Earlham deems it necessary to take formal action, the institution will move forward with an investigation and disciplinary action without the participation of a Party or Parties, and Earlham will issue any disciplinary sanctions as appropriate.
 - 2.4 Earlham may consolidate Complaints against more than one Respondent, or by more than one Complainant against one or more Respondents, when the allegations arise from the same facts or circumstances or implicate a pattern, collusion, and/or other shared or similar actions.
 - 2.5 Although both the Complainant and Respondent are advised to participate in the investigation process to enable a fair and equitable resolution to any case, students who are Complainant or Respondent voluntarily participate in the investigation process.
 - 2.6 Earlham will not draw any adverse inference solely from a Complainant's or Respondent's decision not to participate in the investigation or any form of resolution under this policy; however, the Complainant or Respondent should be aware that declining to participate in the investigation may limit the ability to complete a thorough investigation and may impact the timing and outcome of the case.
 - 2.7 Earlham expects employees to cooperate fully in the investigation process. Any faculty or staff member who is the subject of, or potential witness regarding, a discrimination or harassment complaint and refuses to cooperate in an investigation is subject to discipline, up to and including termination of employment.
 - 2.8 Earlham may be compelled to notify law enforcement when facts gathered during the course of an investigation indicate there is a legal obligation to report, even when a Complainant has previously indicated they do not wish to contact law enforcement. In such circumstances, Earlham will notify Complainant of its obligation prior to contacting law enforcement.
2. **Interviews:** An Investigator will conduct separate in-person interviews with the Parties and any witnesses.

- 3.1. Parties and witnesses will be provided adequate written notice of the time, location, participants, and purpose of any scheduled interview, so that the Parties and witnesses have sufficient time to prepare. If a Party or witness does not respond to a request for an interview, the investigator will make reasonable effort to contact the Party or witness and may proceed with the investigation if a Party or witness is nonresponsive or declines the offer to be interviewed.
 - 3.2. Investigators will record interviews. The transcript of those meetings will be provided to the Parties for their review. Subsequent meetings or interviews are also recorded and/or transcribed and shared with the Parties. Parties are not permitted to separately record investigation meetings.
 - 3.3. After an interview, Parties and witnesses will be asked to verify the accuracy of the transcript of their interview. They may submit changes, edits, or clarifications. If the Parties or witnesses do not respond within the time period designated for verification, objections to the accuracy of a transcript will be deemed to have been waived, and no changes will be permitted.
3. **Witnesses:** Both parties have the right to present their own evidence and testimony in their interview(s) with investigators and to identify potential witnesses as part of the investigation.
- 4.1. Witnesses are individuals who may have information relevant to the incident, including individuals who may have observed the acts in question, may be able to provide contextual information, or may have other information related to the incident, the disclosure, the parties or related matters. Witnesses may not participate solely to speak about an individual's character.
 - 4.2. Employees are required to cooperate with and participate in Earlham's investigation and Resolution Process. Student witnesses and witnesses from outside the Earlham community cannot be required to participate but are encouraged to cooperate with Earlham investigations and to share what they know about a Complaint.
 - 4.3. Investigators will make every attempt to interview witnesses in person. If witnesses provide written statements, they will be invited to meet with the investigator to review the information provided and allow for additional investigator questions. Witnesses may decline to review written information or answer additional questions, but should be aware that further questions may be

posed at the hearing, in order to verify the credibility of the evidence they provided.

5. **Evidence:** The Investigator(s) and later the Decision-maker(s) will only consider evidence that is deemed relevant and not otherwise impermissible.
 - 5.1 Relevant evidence is that which may aid in determining whether the allegation occurred or did not occur, or whether the behavior constitutes or does not constitute a violation of Policy.
 - 5.2 With regard to sex discrimination and sex-based harassment, evidence that relates to the Complainant's sexual interests or prior sexual conduct is impermissible, unless 1) evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct, or 2) is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to support the argument that consent was given.
 - 5.3 The fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's consent or preclude a determination that sex-based harassment occurred.
 - 5.4 Previous disciplinary action of any kind involving the Respondent may not be considered unless there is an allegation of a pattern of misconduct. Such information may also be considered in determining an appropriate sanction upon a determination of responsibility. Barring a pattern allegation, this information is only considered at the sanction stage of the process and is not shared until then.
 - 5.5 Within the limitations stated above, the investigation and determination can consider character evidence, if offered, but that evidence is unlikely to be relevant unless it relates to a pattern of conduct.
 - 5.6 All evidence obtained as part of an investigation will be made available to the Parties and their respective Advisors.
 - 5.7 The Complainant and Respondent will be given an opportunity to review all evidence and submit a written response to be included in a Final Investigation Report.

- 5.8 The College will not restrict the ability of Parties to discuss the allegations under investigation or to gather and present relevant evidence, although the College encourages all parties involved to honor the guidelines for privacy detailed in [APPENDIX B. Privacy, Privilege, and Confidentiality](#).
- 5.9 All documentation of an investigation will be held in a secure file, accessible only to those directly involved with the case, and will be maintained for seven (7) years.
6. **External Intervention and Confrontations:** Adversarial engagements, including confrontations, direct cross-examinations by the parties, and active advocacy by attorneys or other outside advocates, are neither appropriate nor permitted during the investigation process.
7. **Investigation Privacy:** The investigators will manage the investigation professionally by complying with best practices for managing sensitive information privately. See [APPENDIX B. Privacy, Privilege, and Confidentiality](#).
8. At any point in the investigation, a Respondent may elect to admit to the charged violations and voluntarily request an [Administrative Resolution](#).

D. Investigation Report

1. The Investigation Report will follow the outline described in [Appendix D: Investigation Report Outline](#).
2. At the conclusion of the investigation, the Investigator will prepare a Draft Investigation Report for review by the Responsible Compliance Officer. The Responsible Compliance Officer will review the report for consistency with policy. The Responsible Compliance Officer will discuss any amendments to the report with the Investigator before the report is distributed to the Parties and their Advisors.
3. The Responsible Compliance Officer will provide Parties and their Advisors with access to the Draft Investigation Report.
4. The Complainant and Respondent will have ten (10) days to respond in writing to the Draft Investigation Report. A written response may correct errors of fact, omission of pertinent information, or provide newly available evidence not previously presented to the Investigator.

5. Any written feedback from Parties will be appended as appendices to the Final Investigation Report. If the Investigator amends the Investigation Report following receipt of written feedback from either Party, those amendments will be noted in the Final Investigation Report.
6. The Responsible Compliance Officer will provide all parties and their advisors with access to the final Investigation Report. Parties will receive the report 10 days prior to a hearing. See [Hearing Resolution](#).

XXI. Administrative Resolution

The Administrative Resolution Process may be used to resolve Complaints of discrimination on the basis of protected characteristics, harassment, retaliation, and Other Prohibited Behaviors (as defined in Policy) or when Informal Resolution is either not elected or is unsuccessful.

- A. Should the Respondent voluntarily accept responsibility for all of the policy violations in a Summary of Allegations or an Investigation Report, the Responsible Compliance Officer may initiate an Administrative Resolution Process, in place of an Informal Resolution or Hearing Resolution. During an Administrative Resolution Process, the Responsible Compliance Officer will provide appropriate supportive measures before and during the resolution process.
- B. Generally, the Respondent requests an Administrative Resolution Process upon accepting responsibility for all violations, although the Responsible Compliance Officer will make the final determination as to the appropriateness of an Administrative Resolution, depending on the totality of circumstances.
- C. To determine the appropriateness of an Administrative Resolution Process, the Responsible Compliance Officer will meet with the Respondent to confirm they voluntarily take responsibility for the policy violations, review the process, and the range of possible sanctions. The Responsible Compliance Officer will then meet with the Complainant to review the process and affirm their support of this option.
- D. If an Administrative Resolution is an appropriate process for the Complainant and both Parties agree to the Administrative Resolution Process, the Responsible Compliance Officer will provide all Parties with a Notice of Administrative Resolution (NAR). The NAR will include:
 1. A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result

2. The name of the Responsible Administrator who will be determine sanctions
 3. A statement that the Respondent has voluntarily taken responsibility for all the reported misconduct
 4. An invitation to each party to submit impact or mitigation statements to the Responsible Compliance Officer to be included in information provided to the Responsible Administrator before sanctioning
 5. An invitation to review materials provided to the Responsible Administrator, including any statements submitted by the other party(ies), even though those statements are not binding
 6. Information about the privacy of the process, including that the Parties and their Advisors (if applicable) may not share Earlham work product obtained solely through the Resolution Process
 7. A statement that the Parties may have an Advisor of their choice who may accompany them through all steps of the Resolution Process
 8. A statement informing the Parties that the Earlham's Policy prohibits knowingly making false statements, including knowingly submitting false information during the Resolution Process
 9. Detail on how a party may request disability accommodations during the Resolution Process
 10. A Prohibition of Retaliation
- E. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address(es) of the Parties as indicated in official Earlham records, or emailed to the Parties'

Earlham-issued email. Once mailed, emailed, and/or received in person, the notification will be presumptively delivered.

- F. The Responsible Compliance Office will provide the assigned Decision-maker with all relevant and not impermissible evidence gathered to date in the resolution process and any statements from the parties.
- G. The Decision-maker will then consider appropriate sanctions proportional to the severity of the violation(s), in order to remedy the situation and prevent future discrimination. This will include the following steps:
 - 1. Review of the previously submitted party impact or mitigation statements.
 - 2. Consult with the Responsible Compliance Officer, the Public Safety Director, the Human Resources Director and/or the Associate Vice President for Student Life, and other appropriate administrators about any pertinent conduct history before determining the appropriate sanction(s).
 - 3. Adherence to all privacy requirements indicated in these procedures and the prohibition of any unauthorized disclosure of information and evidence obtained solely through the resolution process.
 - 4. Application of appropriate sanctions, as described in these procedures. See [Disciplinary Sanctions](#).
- H. When the Decision-maker receives the file, they can recommend dismissal of the Complainant to the Responsible Compliance Officer, if they believe the grounds are met. See [Dismissal](#).
- I. The following individual(s) serve as Decision-makers in an Administrative Resolution Process:
 - 1. **Vice President for Student Life and Dean of Students:** When Respondent is a Student. Such decisions may be subject to appeal.
 - 2. **Director of Human Resources:** When Respondent is an Employee
 - 2.1. When Respondent is a member of Cabinet, Human Resources will consult with the President. Decisions in such instances are final and shall be addressed in writing to the parties, their advisors, and the Responsible Compliance Officer.

- 2.2. When Respondent is the President, Earlham Trustee, or Director of the Earlham Foundation, Human Resources will consult with, first, the Chair of the Board of Trustees, and then the Executive Committee of the Board. Decisions in such instances are final and shall be addressed in writing to the parties, their advisors, and the Responsible Compliance Officer.
 - 2.3. When the Respondent is a contractor, volunteer or other non-employee, Human Resources will consult with the appropriate area Vice President. Decisions in such instances may be subject to appeal.
 - 2.4. When the Respondent is a Teaching Faculty member, Human Resources will consult with the Provost. Decisions in such instances may be subject to appeal.
 - 2.5. When the Director of Human Resources is the Respondent, the Decision-maker is their immediate supervisor, who will consult with the President. Decisions in such instances are final and shall be addressed in writing to the parties, their advisors, and the Responsible Compliance Officer.
3. In such cases involving tenured faculty, and where a sanction includes termination, the procedure for appeal is outlined in the *Faculty Handbook*.
- J. These Procedures presume that neither Responsible Compliance Officer nor the Investigator will serve as a designate for the Decision-makers named above. In other words, the individual responsible for intake and/or investigation may not serve as a Decision-maker in an Administrative Resolution Process.
- K. The Administrative Resolution Process will be prompt and equitable. The process typically takes approximately thirty (30) business days to complete, beginning with the Decision-maker's receipt of the Summary of Allegations or Investigation Report. The Parties will be updated regularly on the timing and any significant deviation from this typical timeline. The Responsible Administrator will allow for the reasonable extension of timeframes for good cause and will provide written notice of any delay to the parties and the Responsible Compliance Officer, along with a reason for the delay.
- L. Notice of Administrative Resolution**
1. At the conclusion of an Administrative Resolution Process, the Responsible Administrator will send written Notice of Administrative Resolution, along with Sanctions applied, in writing to the Parties and their Advisors, and Responsible Compliance Officer.
 2. A copy of the Notice of Administrative Resolution will be placed in employee personnel files or student conduct files. Documentation of

the Administrative Resolution Process will be maintained for seven (7) years.

3. The Responsible Compliance Officer will coordinate the imposition of any disciplinary sanctions on the Respondent and the provision for and implementation of remedies to a Complainant, as appropriate, to ensure their continued or restored access to the College's educational program or activity. The Responsible Compliance Officer will also take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within Earlham's education program or activity.

M. Outcomes of Administrative Resolution are subject to appeal. See [Appeal of Determination](#).

XXII. Hearing Resolution

A. Hearing Resolution Overview

1. When the facts of a matter remain in dispute following the 10-day response period, the Investigation Report and all related documents will be sent to the appropriate Hearing Panel for a formal hearing. The hearing will convene at a time determined by the Responsible Compliance Officer or designated hearing coordinator with reasonable notice provided to both parties and their advisors.
2. Hearings are structured meetings to provide an opportunity for all parties to be present to hear the evidence to be used in making a determination of responsibility and to ask clarifying questions to fully understand the evidence provided.

B. Hearing Panel Composition

1. The Responsible Compliance Officer will designate a panel made up of at least three employees or external consultants who have received special training on the policy and scope, definitions of prohibited conduct, how to avoid prejudgment of the facts, how to conduct an impartial hearing with

objective analysis of relevant evidence and fair assessment of questions, and how to recognize and avoid conflicts of interest and bias.

- 1.1 The Responsible Compliance Officer will appoint as Hearing Panel Chair an employee or external consultant who has received specialized training to oversee discrimination and harassment grievance hearings.
 - 1.2 As appropriate, Hearing Panels may be drawn from the Earlham College and/or School of Religion Grievance Councils, or the Student Conduct Council, as indicated in their charges, and when such bodies are comprised of individuals with the appropriate training.
 - 1.3 When members of the Earlham College Grievance Council, School of Religion Grievance Council, and/or Student Conduct Council do not have the requisite training to serve on a Hearing Panel, the Responsible Compliance Officer will designate other trained individuals to serve on a Hearing Panel.
2. It is the responsibility of a Hearing Panel to objectively evaluate all relevant evidence, both inculpatory and exculpatory, reach a determination regarding policy violation using the preponderance of evidence standard (i.e., whether it is more likely than not that the Respondent violated the Policy as alleged), and determine sanctions.
 3. The Ombudsman may not serve as a member of a Hearing Panel.
 4. Community members will recuse themselves from serving on a Hearing Panel where there are conflicts of interest. Conflicts of interest may include, but are not limited to:
 - 4.1. An immediate or extended family member is the Complainant or Respondent;
 - 4.2. A direct supervisor or direct report is the Complainant or Respondent;
 - 4.3. Either Complainant or Respondent was the recipient or author of a complaint involving a member of the Council; or
 - 4.4. There exists or has existed a previous relationship that has the potential to create a bias.
 5. Hearing panel members will not have had any previous involvement with the investigation. The Responsible Compliance Officer, Investigator(s), and Advisor may not serve on the Hearing Panel. The Responsible Compliance Officer may serve as a hearing coordinator if their previous

role in the matter does not create a conflict of interest. Otherwise, a trained designee may fulfill this role.

C. Notice of Hearing

1. The Responsible Compliance Officer or the Hearing Panel chair will send Notice of the Hearing to the parties' via email (Earlham email when parties are Students or Employee) at least ten (10) days prior to the hearing or at a date agreed upon by all Parties.
 - 1.1 Once emailed and/or received in-person, the notice will be presumptively delivered to both parties. If the parties do not contact the Responsible Compliance Officer within three (3) business days, the College may use other methods of contact, such as in person or by mail to local or permanent address(es) of the parties as indicated in official College records.
 - 1.2 Timing may be altered for possible violations that occur near or after the end of an academic term (assuming the respondent is still subject to this Policy) and are not resolved prior to the end of term. In these cases, if the Respondent is a graduating student, a hold may be placed on graduation and/or official transcripts until the matter is fully resolved (including any appeal). A student involved in Formal Resolution Process as a Respondent is not in good standing to graduate.
2. The Notice of Hearing will contain:
 - 2.1 A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result
 - 2.2 The time, date, and location of the hearing and a reminder that attendance should take priority over all other campus activities.
 - 2.3 Information about the implications of a party's refusal to participate or answer questions in the hearing.
 - 2.4 Information about the video conference format of the hearing, which enables the hearing panel and parties to see and hear a party or witness answering questions synchronously.

- 2.5 Earlham's requirement that participants access the hearing from a designated on-campus location using Earlham technology, and that participants may submit a written request for exemption to this requirement to the Responsible Compliance Officer within five (5) business days of receipt of the hearing notice.
- 2.6 A list of all individuals who will attend the hearing, along with an invitation to object to any hearing panel member on the basis of demonstrated bias.
- 2.7 The requirement that objections to hearing participants must be raised in writing, detailing the rationale for the objection, and must be submitted to the Responsible Compliance Officer at least five (5) business days prior to the hearing for consideration and, if approved, to provide a substitution.
- 2.8 Information that the hearing will be recorded and accessible for review by the Parties after the hearing, as well as a prohibition of unauthorized audio or video recordings of any kind by the parties or their advisors.
- 2.9 A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence. For compelling reasons for the inability to appear, the chair may reschedule the hearing.
- 2.10 Notification that the parties may have an Advisor present at the hearing.
- 2.11 An invitation to review materials provided to the hearing panel.
- 2.12 An invitation to each party to submit an impact or mitigation statement to the Responsible Compliance Officer before the hearing, which will be reviewed by the Decision-makers after the determination and before sanctioning.
- 2.13 An invitation to contact the Responsible Compliance Office to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing.
- 2.14 Instructions on video conference guidelines related to decorum and privacy, including that mobile phones or other devices should not

be used while participating in the hearing and no unauthorized individuals will have access to the hearing procedures.

- 2.15 Statement that the Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the end of the hearing.
- 2.16 Statement relating to privacy of the hearing and prohibition of any unauthorized disclosure of information gained solely through the Formal Resolution process.

D. Evidentiary Considerations for a Hearing

1. The Parties must provide all evidence to the Investigator(s) prior to completion of the Final Investigation Report. Evidence offered after that time will be evaluated by the Decision-maker for relevance. If such evidence is deemed relevant and not impermissible, the Parties and Decision-maker must agree to admit that evidence into the record.
2. New relevant evidence will be admitted to the record if:
 - 2.1 All Parties and the Decision-maker assent to the new evidence being included in the hearing without remanding the Complaint back to the investigator, and
 - 2.2 The evidence is not duplicative of evidence already in the record, and
 - 2.3 It is not impermissible, and
 - 2.4 The new evidence was either not reasonably available prior to the conclusion of the Final Investigation Report, or the failure to provide it in a timely manner was not the result of bad faith by the Parties, witnesses, or others.
3. If the above criteria are not met, but the evidence is deemed materially relevant and not duplicative, the Decision-maker may, at their discretion, engage in any of the following actions:
 - 3.1. Delay the hearing, or
 - 3.2. Provide the Parties with at least five (5) business days to review the relevant evidence, or
 - 3.3. Remand the Complaint back to the Investigator for further investigation or analysis.

4. If the evidence is deemed not relevant or impermissible, the Decision-maker may proceed with the hearing without allowing the new evidence.
5. The Complainant, Respondent, and the Hearing Panel members may request witness testimony in the hearing if witnesses have relevant information to the conduct in question that needs further clarification. Neither party will be permitted to call as witness anyone who was not interviewed as part of the investigation. If either party wishes to call witnesses, they will submit a written request to the chair via their Earlham-issued email. The request for witnesses should include:
 - 5.1 The names and contact information for each witness,
 - 5.2 A brief written statement of the expected topics for the testimony of that witness,
 - 5.3 A summary of why the witness's presence is relevant to making a determination about responsibility at the hearing, and,
 - 5.4 If the individual was not interviewed during the investigation, the reason why the witness was not previously interviewed.
6. The chair will determine if any witness has relevant information and if there is sufficient justification for permitting a witness who was not interviewed by the investigator.
7. The hearing panel must review the Final Investigative Report, all relevant evidence gathered during the investigation, and any information or questions posed in the Pre-Hearing Meetings at least five (5) business days before the date of the hearing. Otherwise, the final investigative report will be considered an adequate summary of all witness testimony. The chair will inform both parties of any decision to include witnesses and address any concerns raised through the request and rationale process described above.

E. Collateral Misconduct

The Decision-maker has the authority to hear and make determinations on all allegations of discrimination, harassment, retaliation, and Other Prohibited Behavior under the Policy and may also hear and make determinations on any additional alleged collateral misconduct that occurred in concert with the discrimination, harassment, retaliation, or Other Prohibited Behavior, even though those collateral allegations may not specifically fall within the Policy.

F. Joint Hearings

1. In Complaints involving more than one Respondent and/or involving more than one Complainant accusing the same person of substantially similar conduct, the default procedure will be to hear the allegations jointly.
2. However, the Responsible Compliance Officer may permit the investigation and/or hearings pertinent to each Respondent or Complaint to be conducted separately if there is a compelling reason to do so.
3. In joint hearings, separate determinations of responsibility will be made for each Respondent and/or for each Complaint with respect to each alleged Policy violation.

G. Pre-hearing Meetings

1. The Responsible Compliance Officer or the Hearing Panel chair will convene separate pre-hearing meeting(s) with the Parties and their Advisors to review the hearing procedures and decorum, the role of the parties and their advisor in the hearing, the guidelines for posing relevant questions, and to answer any questions about the process.
2. Before the pre-hearing meetings and at any time before the hearing itself, both Parties and their Advisors will be given equal opportunity to review all investigative documents, subject to the privacy limitations imposed by state and federal law. This includes the investigation report, any witness statements or interviews, statements from or interviews with both parties, and any other documentary information that will be presented to the hearing panel for consideration.
3. The chair may consult with legal counsel and/or the Responsible Compliance Officer prior to attending pre-hearing meetings.
4. The pre-hearing meeting(s) will be recorded and become part of the procedural record.

H. Hearing Procedures

1. Hearings procedures are administrative in nature and are not considered legal proceedings. Hearings are not designed to be adversarial but to provide equitable opportunity to present evidence and ask/respond to questions about the evidence. The chair or hearing coordinator has the right to remove any hearing participant who disregards procedure,

disrupts the hearing, or violates the decorum or fairness of the proceedings.

2. The hearing coordinator will provide the parties and their Advisors with access to the final investigative report and relevant evidence for reference during the hearing and for the purposes of questioning. The Hearing provides an opportunity for simultaneous review of evidence and for each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility.
3. Hearings are not open to the public. The only individuals who may appear before the hearing panel are the Parties, approved Advisors, approved witnesses, the Investigator(s), the hearing coordinator, and Hearing Panel members.
4. Hearings will be conducted virtually through live video conferencing, unless there is a compelling reason otherwise and both parties agree in writing.
5. Earlham will ensure all parties have equal access to appropriate technology by providing space and equipment for participation on campus. For additional privacy and consistency, participants (including advisors) will be prohibited from taking their own devices (mobile phone, iPad, laptop) into the hearing space. The hearing coordinator and panel will be trained on any technology being used to conduct a hearing prior to the hearing.
6. If, at any point during the hearing, the members of the hearing panel determine that significant unresolved issues exist that could be clarified through additional investigation, the chair may suspend the hearing and reconvene it in a timely manner that accommodates further investigation.

I. Introductions and Hearing Procedure Explanation

1. Hearing Panel Chair will explain the hearing procedures and introduce the participants. The Chair will answer any procedural questions prior to and as they arise throughout the hearing.
2. The chair will provide an overview of the order of information :
 - 2.1 Summary of Charges
 - 2.2 Complainant Opening Statement
 - 2.3 Respondent Opening Statement

- 2.4 Investigator Presentation and Questioning⁹
 - 2.5 Questioning of Witnesses¹⁰
 - 2.6 Questioning of Parties¹¹
 - 2.7 End of hearing for determination and sanctioning
3. The Chair will explain the process for posing relevant questions about evidence and asking follow-up questions to answers provided by investigators, the parties, and witnesses.
 - 3.1 Advisors and panel members may only ask questions that have been previously reviewed and approved by the Chair. The Chair may exclude any question for relevance and admissibility, and will provide an explanation should a question be excluded.
 - 3.2 Only hearing panel members and Advisors may question witnesses. The parties will not be permitted to question each other or the hearing panel directly.
 - 3.3 The hearing panel members and Advisors will be given an opportunity to ask follow up questions for clarification. Before a complainant, respondent, or witness answers a question, the chair will determine whether the question is relevant and explain to the party's Advisor asking questions any decision to exclude a question as not relevant.
 - 3.4 At times, the chair may need to ask difficult or sensitive questions in order to understand areas of factual dispute or to gain a full understanding of the context.
 - 3.5 Parties and other individuals who offer information at a hearing are expected to respond honestly and to the best of their knowledge.
 4. At the hearing, the hearing coordinator will manage the recording, participant logistics, access to documents and evidence, and other administrative elements of the hearing process. Administrative elements include, but are not limited to, logistics of rooms for various parties/witnesses ensuring recording and virtual conferencing technology is working as intended; providing secure distribution of materials to participants, etc. The Responsible Compliance Officer may serve as a hearing coordinator, but may also appoint a designee. The hearing

⁹ Order of questioning: Panel, Complainant's Advisor, Respondent's Advisor, follow up questions.

¹⁰ Ibid.

¹¹ Ibid.

coordinator is not a member of the hearing panel and is trained in policy, procedure, and privacy issues relevant to the hearing.

J. Investigator Presentation of Final Investigation Report

1. The Investigator(s) will present a summary of the Final Investigation Report, including a review of the facts that are contested and those that are not. The Investigator may be questioned first by the Hearing Panel and then by the Advisors. The Investigator may attend the duration of the hearing or be excused after their testimony at the Hearing Panel Chair's discretion.
2. Neither the parties nor the hearing panel should ask the investigators their opinions on credibility, recommended findings, or determinations, and the investigators, advisors, and parties will refrain from discussion of or questions about these assessments. If such information is introduced, the chair will direct that it be disregarded.

K. Testimony and Questioning of the Parties

1. The Parties will be permitted five (5) minutes each for an opening statement, if they choose, starting with the Complainant(s) and then Respondent(s).
2. The Chair will facilitate questioning of Parties and witnesses, beginning with the Panel and then Advisors.
3. Questions must be relevant, not impermissible, and appropriate to the party and/or witness.
4. Questions should be framed in a manner that seeks new information or clarification.
5. All questions must be submitted in writing to the Chair for a relevance determination before they are asked.
 - 5.1 The Chair will limit or disallow questions they deem not appropriate on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), seek or pertain to impermissible evidence, or are abusive or unprofessional.
 - 5.2 The Chair will explain any decision to exclude or to reframe a question for relevance.
 - 5.3 The Chair may consult with legal counsel on any questions of admissibility.

6. If either party raises an issue of bias or conflict of interest of an Investigator or Chair at the hearing, the Chair may elect to address those issues, consult with legal counsel, refer them to the Responsible Compliance Officer, and/or preserve them for appeal.
7. If bias is not an issue at the hearing, the Chair should not permit irrelevant questions that probe for Investigator bias.
8. The Chair will allow witnesses who have relevant and not impermissible information to appear at a portion of the hearing to respond to specific questions from the Chair and the Parties, and the witnesses will then be excused.

L. Refusal to Submit to Questioning and Inferences

1. Any party or student witness may choose not to offer evidence and/or answer questions at the hearing, either because they do not attend the hearing, or because they attend but refuse to participate in some or all questioning. Employee witnesses are required to participate in the hearing if they are reasonably available. The Hearing Panel may only rely on the available relevant and not impermissible evidence in making the determination of responsibility. The Decision-maker may not draw any inference solely from a party's or witness's absence from the hearing or refusal to answer any or all questions, although the lack of participation may limit the hearing panel's ability to assess the credibility of the party and the evidence provided.
2. An Advisor may not be called as a witness at a hearing to testify to what their advisee told them during their role as an Advisor unless the party being advised consents to that information being shared.
3. If any party or party's advisor (chosen or appointed) does not comply with the College's established rules of decorum and parameters for questioning in a hearing, the chair and hearing coordinator may remove the advisor and require the party to use a different advisor to facilitate questioning on behalf of that party.

M. Hearing Recordings

1. Earlham records hearings (but not deliberations) for purposes of review in the event of an appeal. No unauthorized audio or video recording of any kind is permitted during the hearing.

2. The Decision-maker, the Parties, their Advisors, Appeal Decision-makers, and other appropriate Earlham officials will be permitted to review the recording or review a transcript of the recording upon request to the Responsible Compliance Officer. If the parties request a record of the hearing in writing, a secure transcript of the Hearing will be provided with appropriate redactions to protect the FERPA rights of other students involved.
3. No unauthorized disclosure, including sharing, copying, or distribution of the recording or transcript, is permitted. If it is later determined that a party or witness intentionally provided false or misleading information, that action could be grounds for reopening a Resolution Process at any time, and/or referring that action to another process for resolution.

XXIII. Deliberation and Determination

- A. After the Chair closes testimony, the Hearing Panel will deliberate in closed session to determine whether the Respondent is responsible for each of the alleged Policy violation(s) based on the preponderance of the evidence standard of proof, meaning the hearing panel must find evidence that it is more likely than not that the alleged violation occurred. A simple majority vote is required to determine the finding. Deliberations are not recorded.
- B. When there is a finding of responsibility for one or more of the allegations, the Hearing Panel may then consider any previously submitted impact and/or mitigation statement(s) provided by the Parties in determining appropriate sanction(s). The Responsible Compliance Officer will ensure that any submitted statements are exchanged between the Parties if they are viewed by the Decision-maker. Impact/mitigation statements do not influence the finding, they only potentially influence the sanctions.
- C. The Chair will then prepare and provide the Responsible Compliance Officer with a written Notice of Outcome. This Notice is usually five to fifteen (5-15) pages in length and is typically submitted to the Responsible Compliance Officer within ten (10) business days from the conclusion of the hearing, unless the Responsible Compliance Officer grants an extension for reasonable delay. The Responsible Compliance Officer will notify the Parties of any extension.

XXIV. Disciplinary Sanctions

A Sanction is a formal college response or punishment should a Respondent be found Responsible for a violation of Earlham policies.

A. Factors Considered when Determining Sanctions

1. Factors considered by the Decision-maker when determining sanctions and responsive actions may include, but are not limited to:
 - 1.1 The nature, severity of, and circumstances surrounding the violation(s)
 - 1.2 The Respondent's disciplinary history
 - 1.3 The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
 - 1.4 The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
 - 1.5 The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
 - 1.6 The impact on the Parties
 - 1.7 Any other information deemed relevant by the Decision-maker(s)
2. Sanctions will be implemented as soon as it is feasible once a determination is final, either upon the outcome of any appeal or the expiration of the window to appeal, without an appeal being requested.
3. The sanctions described in these Procedures are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed, by external authorities.

B. Student Sanctions

The following are the common sanctions that may be imposed upon students singly or in combination:

1. *Warning*: A formal statement that the conduct was unacceptable and a warning that further violation of any Earlham Policy, procedure, or directive will result in more severe sanctions/responsive actions.

2. *Educational Sanction:* Educational sanctions are designed to assist the student in taking responsibility for their actions, being accountable, and learning constructive alternatives to inappropriate behavior. These may include completion of one or more of the following:
 - 2.1 Educational Program or Course
 - 2.2 Paper
 - 2.3 Community Service
 - 2.4 Group Project
 - 2.5 Letter of Apology (to be used when appropriate between individuals and ONLY if the Complainant agrees to such a sanction)
3. *Restrictions:* A student may be restricted in their activities, including, but not limited to, being restricted from locations, programs, participation in certain activities or extracurriculars, study abroad, or from holding leadership in student organizations.
4. *Probation:* An official sanction for violation of institutional Policy, providing for more severe disciplinary sanctions in the event that the student is found in violation of any institutional Policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.
5. *Suspension:* Separation from the institution, or one or more of its facilities, for a definite period of time, typically not to exceed two years, after which the student is eligible to return. Eligibility may be contingent upon satisfaction of specific conditions noted at the time of suspension, on successfully applying for readmission, or upon a general condition that the student is eligible to return if the institution determines it is appropriate to re-enroll/readmit the student. The student is typically required to vacate institutional property within 24 hours of notification of the action, though this deadline may be extended at the discretion of the Responsible Compliance Officer or other appropriate official. During an institution-wide suspension, the student is banned from institutional property, functions, events, and activities unless they receive prior written approval from an appropriate institutional official. This sanction may be enforced with a trespass action, as necessary. This sanction may

be noted as a Disciplinary Suspension on the student's official academic transcript, per institutional policy and/or state law.

6. *Withholding Diploma:* Earlham may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities as a sanction if the student is found responsible for violating Policy.
7. *Revocation of Degree:* While very rarely employed, Earlham reserves the right to revoke a degree previously awarded from Earlham for fraud, misrepresentation, and/or other violation of Earlham policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
8. *Expulsion:* Permanent separation from the institution. The student is banned from institutional property, and the student's presence at any institution-sponsored activity or event is prohibited. This action may be enforced with a trespass action, as necessary. This sanction may be noted as Disciplinary Expulsion on the student's official academic transcript, per institutional policy and/or state law.
9. *Other Actions:* In addition to, or in place of, the above sanctions, Earlham may assign any other sanctions as deemed appropriate.

C. Student Group and Organization Sanctions

The following are the common sanctions that may be imposed upon student organizations singly or in combination:

1. *Warning:* A formal statement that the conduct was unacceptable and a warning that further violation of any Earlham Policy, procedure, or directive will result in more severe sanctions/responsive actions.
2. *Probation:* An official sanction for violation of institutional Policy, providing for more severe disciplinary sanctions in the event that the group or organization is found in violation of any institutional Policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social and event privileges, denial of Earlham funds, ineligibility for honors and awards, restrictions on new member recruitment, no-contact orders, and/or other measures deemed appropriate.
3. *Suspension:* Termination of student group or organization recognition and/or institutional support for a definite period of time not to exceed two

years and/or until specific criteria are met. During the suspension period, a student group or organization may not conduct any formal or informal business or participate in Earlham -related activities, whether they occur on- or off-campus. Re-recognition is possible but not guaranteed and will only be considered after the end of the suspension period and based on meeting all re-recognition criteria and obtaining clearance from Earlham.

4. *Loss of Privileges:* Restricted from accessing specific Earlham privileges for a specified period of time.
5. *Expulsion:* Permanent termination of student group organization recognition and revocation of the privilege to congregate and conduct business on campus as an organization for any reason.
6. *Other Actions:* In addition to or in place of the above sanctions, Earlham may assign any other sanctions as deemed appropriate.

D. Employee Sanctions

Responsive actions for an employee who has engaged in harassment, discrimination, and/or retaliation include:

1. Verbal or Written Warning
2. Performance Improvement Plan
3. Enhanced Supervision, Observation, or Review
4. Required Training or Education
5. Probation
6. Denial of Pay Increase
7. Loss of Oversight or Supervisory Responsibility
8. Demotion
9. Transfer
10. Schedule adjustments
11. Reassignment
12. Delay of (or referral for delay of) Tenure Track Progress

13. Assignment to New Supervisor
14. Restriction of Stipends, Research, and/or Professional Development Resources
15. Suspension/Administrative Leave with Pay
16. Suspension/Administrative Leave without Pay
17. Termination
18. *Other Actions*: In addition to or in place of the above sanctions/responsive actions, the Earlham may assign any other responsive actions as deemed appropriate.

XXV. Notice of Outcome

- A. Within ten (10) business days of the conclusion of the Resolution Process, the Responsible Compliance Officer provides the Parties with a written Notice of Outcome.
- B. The Notice of Outcome will include:
 1. The summary of allegations and the specific policy(ies) reported to have been violated;
 2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
 3. All findings of fact and final determinations for each alleged Policy violation and detailed rationale for determination on each allegation, including credibility assessments; and
 4. All applicable sanctions and remedies designed to restore or preserve equal access to Earlham Education or Activity.
- C. The notification will also detail the Parties' equal rights to appeal, the grounds for appeal, the steps required to request an appeal, and when the determination is considered final if neither party appeals.
- D. The Responsible Compliance Officer will provide the Parties with the outcome notification simultaneously, or without significant time delay between notifications. The written outcome notification may be delivered by one or more

of the following methods: in person, mailed to the local or permanent address of the Parties as indicated in official Earlham records, or emailed to the Parties' Earlham-issued or designated email account. Once mailed, emailed, and/or received in person, the outcome notification is presumptively delivered.

XXVI. Withdrawal or Resignation Before Complaint Resolution

A. Student Withdrawal Before Complaint Resolution

1. Should a student Respondent decide not to participate in the Resolution Process, the process proceeds absent their participation to a reasonable resolution. If a student Respondent withdraws from Earlham, the Resolution Process may continue, or Responsible Compliance Officer may exercise their discretion to dismiss the Complaint. If the Complaint is dismissed, Earlham will still provide reasonable supportive or remedial measures as deemed necessary to address safety and/or remedy any ongoing effects of the alleged harassment, discrimination, and/or retaliation.
2. Regardless of whether the Complaint is dismissed or pursued to completion of the Resolution Process, Earlham will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s), and any ongoing effects of the alleged discrimination, harassment, and/or retaliation.
3. When a student withdraws or leaves while the process is pending, the student may not return to Earlham in any capacity until the Complaint is resolved and any sanctions imposed are satisfied. If the student indicates they will not return, the Responsible Compliance Officer has discretion to dismiss the Complaint. The Registrar and Office of Admissions will be notified, accordingly.
4. If the student Respondent takes a leave for a specified period of time (e.g., one semester or term), the Resolution Process may continue remotely, if appropriate. If found in violation, that student is not permitted to return to Earlham unless and until all sanctions, if any, have been satisfied.

B. Employee Resignation Before Complaint Resolution

1. Should an employee Respondent decide not to participate in the Resolution Process, the process proceeds absent their participation to a reasonable resolution. If an employee Respondent resigns from Earlham with unresolved allegations pending, the Resolution Process may continue, or Responsible Compliance Officer may exercise their discretion

to dismiss the Complaint. If the Complaint is dismissed, Earlham may still provide reasonable supportive or remedial measures as deemed necessary to address safety and/or remedy any ongoing effects of the alleged discrimination, harassment, and/or retaliation.

2. When an employee resigns from Earlham and refuses to participate in a Resolution Process, the employee may not return to Earlham in any capacity. Human resources, the registrar, and admissions will be notified, accordingly, and a note will be placed in the employee's file that they resigned with allegations pending and are not eligible for either rehire nor admission to an Earlham academic program. The records retained by the Responsible Compliance Officer will reflect that status.

XXVII. Appeal of Determination

A. Grounds for Appeal

Grounds for appeal are limited to:

1. A procedural irregularity that would change the outcome
2. New evidence that would change the outcome and that was not reasonably available at the time the determination regarding responsibility or dismissal was made
3. The Responsible Compliance Officer, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that would change the outcome

B. Appeals Decision-makers

1. **Vice President for Student Life and Dean of Students:** When Respondent is a Student.
2. **Director of Human Resources:** When Respondent is an Employee
 - 2.1. When Respondent is a member of Cabinet, Human Resources will consult with the President. Appeals decisions in such instances are final and shall be addressed in writing to the parties, their advisors, and the Responsible Compliance Officer.
 - 2.2. When Respondent is the President, Earlham Trustee, or Director of the Earlham Foundation, Human Resources will consult with, first, the Chair of the Board of Trustees, and then the Executive Committee of the Board. Appeals decisions in such instances are

final and shall be addressed in writing to the parties, their advisors, and the Responsible Compliance Officer.

- 2.3. When the Respondent is a contractor, volunteer or other non-employee, Human Resources will consult with the appropriate area Vice President. Appeals decisions in such instances may be subject to a final reconsideration.
- 2.4. When the Director of Human Resources is the Respondent, the Decision-maker is their immediate supervisor, who will consult with the President. Appeals decisions in such instances are final and shall be addressed in writing to the parties, their advisors, and the Responsible Compliance Officer.
3. In such cases involving tenured faculty, and where a sanction includes termination, the procedure for appeal is outlined in the Earlham College Faculty Handbook.

C. Request for Appeal

1. Any party may submit a written request for appeal (“Request for Appeal”) to the Responsible Compliance Officer within five (5) business days of the delivery of the Notice of Outcome.
2. The Request for Appeal will be forwarded to the Appeal Decision-maker for consideration to determine if the request meets the grounds for appeal. This is not a review of the merits of the appeal, but solely a determination as to whether the request could reasonably be construed to meet the grounds and is timely filed.
3. If the Request for Appeal does not provide information that meets the grounds in these Procedures, the request will be denied by the Appeal Decision-maker, and the Parties and their Advisors will be simultaneously notified in writing of the denial and the rationale.
4. If any of the grounds in the Request for Appeal meet the grounds in these Procedures, then the Appeal Decision-maker will notify all Parties and their Advisors, the Responsible Compliance Officer, and, when appropriate, the Investigator(s) and/or the original Decision-maker.
5. All other Parties and their Advisors, the Responsible Compliance Officer, and, when appropriate, the Investigator(s) and/or the Decision-maker will be provided a copy of the Request for Appeal with the approved grounds and then be given five (5) business days to submit a response to the portion of the appeal that was approved and involves them. The Appeal

Decision-maker will forward all responses, if any, to all Parties for review and comment.

6. The non-appealing party (if any) may also choose to appeal at this time. If so, that Request for Appeal will be reviewed by the Appeal Decision-maker to determine if it meets the grounds in these Procedures and will either be approved or denied. If approved, it will be forwarded to the party who initially requested an appeal, the Responsible Compliance Officer, and the Investigator(s) and/or original Decision-maker, as necessary, who will submit their responses, if any, within five (5) business days. Any such responses will be circulated for review and comment by all Parties. If denied, the Parties will be notified accordingly, in writing.
7. No party may submit any new Requests for Appeal after this time period. The Appeal Decision-maker will collect any additional information needed and all documentation regarding the approved appeal grounds, and the subsequent responses will be shared with the Appeal Decision-maker, who will promptly render a decision.

D. Appeal Determination

1. In most cases, appeals are confined to a review of the written documentation or record of the original determination and pertinent documentation regarding the specific appeal grounds. The Appeal Decision-maker will deliberate as soon as is practicable and discuss the merits of the appeal.
2. Appeal decisions are to be deferential to the original determination, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so. All decisions apply the preponderance of the evidence standard.
3. An appeal is not an opportunity for the Appeal Decision-makers to substitute their judgment for that of the original Decision-maker merely because they disagree with the finding and/or sanction(s).
4. The Appeal Decision-maker may consult with the Responsible Compliance Officer and/or legal counsel on questions of procedure or rationale, for clarification, if needed. The Responsible Compliance Officer will maintain documentation of all such consultations.

E. Appeal Outcomes

1. An appeal may be granted or denied. Appeals that are granted should normally be remanded (or partially remanded) to the original Investigator(s) and/or Decision-maker with corrective instructions for reconsideration. In rare circumstances where an error cannot be cured by the original Investigator(s) and/or Decision-maker or the Responsible Compliance Officer (as in cases of bias), the Appeal Decision-maker may order a new investigation and/or a new determination with new Pool members serving in the Investigator and Decision-maker roles.
2. A Notice of Appeal Outcome letter will be sent to all Parties simultaneously, or without significant time delay between notifications. The Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanction(s) that may result which Earlham is permitted to share according to federal or state law, and the rationale supporting the essential findings to the extent Earlham is permitted to share under federal or state law.
3. Written notification may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the Parties as indicated in official institutional records, or emailed to the Parties' Earlham -issued email or otherwise approved account. Once mailed, emailed, and/or received in person, the Appeal Outcome will be presumptively delivered.
4. Once an appeal is decided, the outcome is final and constitutes the Final Determination; further appeals are not permitted, except in the case of new findings, new sanctions or a new determination. When appeals result in no change to the finding or sanction, that decision is final.
5. When an appeal results in a new finding, sanction or determination, the new finding, sanction or determination can be appealed one final time on the grounds listed in [Presidential Reconsideration Following Appeal](#).

F. Sanction Status During Appeal

1. Any sanctions imposed as a result of the determination are stayed (i.e., not implemented) during the appeal process, and supportive measures may be maintained or reinstated until the appeal determination is made.
2. If any of the sanctions are to be implemented immediately post-determination, but pre-appeal, then the emergency removal procedures

(detailed above) for a “show cause” meeting on the justification for doing so must be permitted within two (2) business days of implementation.

G. Presidential Reconsideration Following Appeal

1. When an appeal results in a new finding, new sanction or new determination, either party may seek a review of that Appeal Decision by submitting a written petition for final determination to the President.¹² Such petitions for reconsideration may only be made if either party is able to demonstrate:
 - 1.1 The appeals decision-maker has an existing conflict of interest; or
 - 1.2 The appeals decision-maker did not follow the proper process for appeals considerations.
2. The Petition may have one of two outcomes:
 - 2.1 Denied. The Appeals Decision is upheld.
 - 2.2 Approved. The Appeals Decision is remanded (or partially remanded) to the Appeals Decision-maker with corrective instructions for reconsideration.
3. A Notice will be sent to all Parties simultaneously, or without significant time delay between notifications. The Notice will specify the finding on each ground for Presidential Reconsideration, any specific instructions for remand or reconsideration, any sanction(s) that may result which Earlham is permitted to share according to federal or state law, and the rationale supporting the essential findings to the extent Earlham is permitted to share under federal or state law.
4. The outcome is final and constitutes a Final Determination; further reconsiderations or appeals are not permitted.

XXVIII. Long-Term Remedies/Other Actions

- A. Following the conclusion of the Resolution Process, and in addition to any sanctions implemented or Informal Resolution terms, the Responsible Compliance Officer may implement additional long-term remedies or actions with respect to the Parties and/or Earlham community that are intended to stop

¹² When the President is Party to a grievance or consulted on an Appeals Determination, the Director of Human Resources and Chief Diversity Officer will appoint an Appeals Panel to consider the petition.

- the discrimination, harassment, and/or retaliation, remedy the effects, and prevent recurrence.
- B. These remedies/actions may include, but are not limited to:
- Referral to counseling and health services
 - Referral to the Employee Assistance Program
 - Course and registration adjustments, such as retroactive withdrawals
 - Education to the individual and/or the community
 - Permanent alteration of housing assignments
 - Permanent alteration of work arrangements for employees
 - Provision of campus safety escorts
 - Climate surveys
 - Policy modification and/or training
 - Provision of transportation assistance
 - Implementation of long-term contact limitations between the Parties
 - Implementation of adjustments to academic deadlines, course schedules, etc.
- C. At the discretion of the Responsible Compliance Officer, certain long-term supportive measures may also be provided to the Parties even if no Policy violation is found.
- D. When no Policy violation is found, the Responsible Compliance Officer will address any remedies Earlham owes the Respondent to ensure that there is no effective denial of equal access and opportunity.
- E. Earlham will maintain the privacy of any long-term remedies/actions/measures, provided privacy does not impair Earlham's ability to provide these services.

XXIX. Failure to Comply with Resolution Terms

- A. All Respondents are expected to comply with the assigned sanctions, responsive actions, corrective actions, and/or Informal Resolution terms within the timeframe specified in the Informal Resolution agreement, the Notice of

- Administrative Resolution Outcome, the Notice of Outcome, or Appeal Outcome. As part of coordinating disciplinary sanctions, the Responsible Compliance Officer will monitor the completion of sanctions, working with the appropriate offices and administrators on the necessary steps.
- B. Supervisors are expected to enforce the completion of sanctions/responsive actions for their employees and should provide documentation to the Responsible Compliance Officer at a time determined in the sanctioning phase.
 - C. Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including, but not limited to, suspension, expulsion, and/or termination from Earlham.
 - D. A suspension imposed for non-compliance with sanctions will only be lifted when compliance is achieved to the Responsible Compliance Officer's satisfaction.

XXX. Recordkeeping

For a period of at least seven (7) years following the conclusion of the Resolution Process, Earlham will maintain records of:

- A. Each discrimination, harassment, and retaliation resolution process, including any Final Determination regarding responsibility or appeal, and any audio or audiovisual recording or transcript required under federal regulation.
- B. Any disciplinary sanctions imposed on the Respondent.
- C. Any supportive measures provided to the Parties and any remedies provided to the Complainant or the community designed to restore or preserve equal access to Earlham's education program or activity.
- D. Any appeal and the result therefrom
- E. Any Informal Resolution process documents and the result therefrom
- F. All materials used to provide training to the Responsible Compliance Officer, Investigators, Decision-makers, Appeal Decision-makers, Informal Resolution Facilitator, and any person who is responsible for implementing Earlham's Resolution Processes, or who has the authority to modify or terminate supportive

measures. Earlham will make these training materials available for review upon request.

- G. All materials used to train all employees consistent with the requirements in the Title IX Regulations.
- H. Earlham will also maintain any and all records in accordance with state and federal laws.

XXXI. Accommodations and Support During the Resolution Process

A. Disability Accommodations

1. Earlham is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to Earlham's Resolution Process.
2. Anyone needing such accommodations or support should contact the Responsible Compliance Officer, who will work with disability support colleagues as appropriate to review the request and, in consultation with the person requesting the accommodation, determine which accommodations are appropriate and necessary for full process participation.

B. Other Support

Earlham will also address reasonable requests for support for the Parties and witnesses, including:

- Language services/Interpreters;
- Access and training regarding use of technology throughout the Resolution Process; or
- Other support as deemed reasonable and necessary to facilitate participation in the Resolution Process.

XXXII. False Allegations and Evidence

Deliberately false and/or malicious accusations under this policy, as opposed to allegations which, even if erroneous, are made in good faith, are a serious offense and will be subject to appropriate disciplinary action, including but not limited to expulsion or termination of employment. Additionally, witnesses and parties knowingly providing false evidence, tampering with, or destroying evidence after being directed to preserve such evidence or

deliberately misleading an official conducting an investigation can be subject to discipline under the appropriate conduct policies and procedures.

XXXIII. Retaliation

- A. Protected activity under this policy includes reporting an incident that may implicate Earlham's nondiscrimination and anti-harassment policies, participating in the grievance process, supporting a Complainant or Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of Policy.
- B. It is prohibited for Earlham or any member of Earlham's community to take materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy and procedure.
- C. The exercise of rights protected under the First Amendment do not constitute retaliation.
- D. Acts of alleged retaliation should be reported immediately to the Responsible Compliance Officer and will be promptly investigated. Earlham is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

XXXIV. Policy Review and Amendment

- A. These procedures supersede any previous procedures addressing discrimination, harassment, and retaliation for incidents occurring on or after August 1, 2024.
- B. Earlham's Chief Diversity Officer, working closely with the Director of Title IX and Equal Opportunity, will annually review and update these procedures.
- C. If governing laws or regulations change, or court decisions alter, the requirements in a way that impacts this document, this document will be

construed to comply with the most recent governing laws or regulations or court holdings.

- D. This document does not create legally enforceable protections beyond the protections of the background state and federal laws that frame such policies and codes, generally.
- E. Earlham reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

XXXV. APPENDICES

APPENDIX A. Statement of the Parties' Rights

Under these procedures, the Parties have the right to:

- An equitable investigation and resolution of all credible allegations of prohibited discrimination, harassment, retaliation, and Other Prohibited Behaviors, when reported in good faith to Earlham officials.
- Timely written notice of all alleged violations, including the identity of the Parties involved (if known), the specific misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated Policies and procedures, and possible sanctions.
- Timely written notice of any material adjustments to the allegations (e.g., additional incidents or allegations, additional Complainants) by updating the Notice of Investigation and Allegation(s) (NOIA) as needed to clarify potentially implicated Policy violations.
- Be informed in advance of any Earlham public release of information regarding the allegation(s) or underlying incident(s), whenever possible.
- Have all personally identifiable information protected from Earlham's release to the public without consent, except to the extent permitted by law.
- Be treated with respect by Earlham officials.
- Have Earlham Policy and these procedures followed without material deviation.
- Voluntarily agree to resolve allegations under these procedures through Informal Resolution without pressure, if Informal Resolution is approved by the Responsible Compliance Officer.
- Not be discouraged by Earlham officials from reporting discrimination, harassment, retaliation, and Other Prohibited Behavior to both on-campus and off-campus authorities.
- Be informed of options to notify proper law enforcement authorities, including on-campus and local police, and the option(s) to be assisted by Earlham in notifying such authorities, if the party chooses. This also includes the right to not be pressured to report.
- Have allegations of violations of Policy responded to promptly and with sensitivity by Earlham Public Safety and/or other officials.

- Be informed of available supportive measures, such as counseling, advocacy, health care, student financial aid, visa and immigration assistance, and/or other services, both on-campus and in the community.
- Be offered the option of an Earlham-implemented no-contact order or a no-trespass order against a non-affiliated third party when a person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct.
- Be informed of available assistance in changing academic, living, and/or employment situations after an alleged incident of discrimination, harassment, and/or retaliation, if such changes are reasonably available. No formal report, or investigation, either institutional or criminal, needs to occur for this option to be available. Such actions may include, but are not limited to:
 - Relocating an on-campus student's housing to a different on-campus location
 - Assistance from Earlham staff in completing the relocation
 - Changing an employee's work environment (e.g., reporting structure, office/workspace relocation)
 - Transportation assistance
 - Visa/immigration assistance, when practicable
 - Arranging to dissolve a housing contract and provide a pro-rated refund
 - Rescheduling or adjusting an exam, paper, and/or other assignment
 - Receiving an incomplete in, or a withdrawal from, a class (may be retroactive)
 - Transferring class sections
 - Temporary withdrawal/leave of absence (may be retroactive)
 - Campus safety escorts
 - Alternative course completion options
- Have Earlham maintain supportive measures for as long as necessary and for supportive measures to remain private, provided privacy does not impair Earlham's ability to provide the supportive measures.
- Receive sufficiently advanced written notice of the date, time, location, participants, and purpose of any meetings, or interviews, or other meetings, with sufficient time to prepare to participate.

- Identify and have the Investigator(s) and/or Decision-maker question relevant available witnesses, including expert witnesses.
- Provide the Investigator(s)/Decision-maker with a list of questions that, if deemed relevant and permissible by the Investigator(s)/Decision-maker, may be asked of any party or witness.
- Have Complainant's inadmissible sexual interests/prior sexual history or any Party's irrelevant character evidence excluded by the Decision-maker.
- Access the relevant evidence obtained and respond to that evidence.
- A fair opportunity to provide the Investigator(s) with their account of the alleged misconduct and have that account be on the record.
- Receive a copy of all relevant and permissible evidence obtained during the investigation, subject to privacy limitations imposed by federal and state law and be given ten (10) business days to review and comment on the evidence.
- The right to receive a copy of the Final Investigation Report, including all factual, Policy, and/or credibility analyses performed, and to have at least seven (7) business days to review the report prior to the determination.
- Be informed of the names of all witnesses whose information will be used to make a finding, in advance of that finding, when relevant.
- Regular status updates on the investigation and/or Resolution Process.
- Have reports of alleged Policy violations addressed by Resolution Process Pool members who have received relevant annual training as required by law.
- A Decision-making panel that is not single-sex in its composition, if a panel is used.
- Preservation of confidentiality/privacy, to the extent possible and permitted by law.
- Meetings, interviews, and/or hearings that are closed to the public.
- Petition that any Earlham representative in the process be recused on the basis of disqualifying bias and/or conflict of interest.
- Be able to select an Advisor of their choice to accompany and assist the party in all meetings and/or interviews associated with the Resolution Process.
- Apply the appropriate standard of proof, preponderance of the evidence, to make a Finding and Final Determination after an objective evaluation of all relevant and permissible evidence.
- Be present, including presence via remote technology, during all testimony given and evidence presented during any hearing.

- Have an impact and/or mitigation statement considered by the Decision-maker following a determination of responsibility for any allegation, but prior to sanctioning.
- Be promptly informed of the Resolution Process finding(s) and sanction(s) (if any) and be given a detailed rationale of the decision (including an explanation of how credibility was assessed) in a written outcome letter delivered to the Parties simultaneously (without undue delay).
- Be informed in writing of when a decision is considered final and any changes to the Final Determination or sanction(s) that occur post outcome letter delivery.
- Be informed of the opportunity to appeal the Formal Resolution Process finding(s) and sanction(s), and the procedures for doing so in accordance with the Earlham's grounds for appeal.
- A fundamentally fair resolution as defined in these procedures.

APPENDIX B. Privacy, Privilege, and Confidentiality

For the purpose of this Policy, the terms privacy, confidentiality, and privilege have distinct meanings.

- **Privacy.** Means that information related to a complaint will be shared with a limited number of Earlham employees who “need to know” in order to assist in providing supportive measures or evaluating, investigating, or resolving the Complaint. All employees who are involved in Earlham’s response to Notice under this Policy receive specific training and guidance about sharing and safeguarding private information in accordance with federal and state law.
- **Confidentiality.** Exists in the context of laws or professional ethics (including Title IX) that protect certain relationships, including clinical care, mental health providers, and counselors. Confidentiality also applies to those designated by Earlham as Confidential Employees for purposes of reports under this Policy, regardless of legal or ethical protections. An Employee’s confidential status is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies (i.e., confidential status applies when the individual is serving in the role listed above):

When a Complainant shares information with a Confidential Employee, the Confidential Employee does not need to disclose that information to the Title IX Coordinator. The Confidential Resource will, however, provide the Complainant with the Title IX Coordinator’s contact information, assist the Complainant in reporting, if desired, and provide them with information on how the Responsible Compliance Officer can assist them. With respect to Confidential Employees, information may be disclosed when: (1) the reporting person gives written consent for its disclosure; (2) there is a concern that the person will likely cause serious physical harm to self or others; or (3) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18, elders, or persons with disabilities. Non-identifiable information may be shared by Confidential Employees for statistical tracking purposes as required by the Clery Act/Violence Against Women Act (VAWA). Other information may be shared as required by law.

- **Privilege.** Exists in the context of laws that protect certain relationships, including attorneys, spouses, and clergy. Privilege is maintained by a provider unless a court orders release or the holder of the privilege (e.g., a client, spouse, parishioner) waives the protections of the privilege. Earlham treats employees who have the ability to have privileged communications as Confidential Employees.

Earlham reserves the right to determine which Earlham officials have a legitimate educational interest in being informed about student-related incidents that fall under this

Policy, pursuant to FERPA.

Only a small group of officials who need to know will typically be told about the Complaint. Information will be shared as necessary with Investigators, Decision-makers, Appeal Decision-makers, witnesses, the Parties, and the Parties' Advisors. The circle of people with this knowledge will be kept as tight as possible to preserve the Parties' rights and privacy, and release is governed by the institution's unauthorized disclosure policy.

Earlham may contact students' parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk but will usually consult with the student prior to doing so.

APPENDIX C. Resolution Process Pool – Roles and Responsibilities

The resolution process pool is a cross-functional team of professionals with distinct responsibilities for managing institutional compliance and response to complex, sensitive matters in a timely and thorough manner as required by law.

Any individual materially involved in the administration of the formal grievance process, including the Responsible Compliance Officer, may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.

An Advisor is an individual selected by any party to assist them throughout the resolution process. See [Advisors in the Resolution Process](#).

An Appeal Decision-Maker may be an individual or a group and cannot have otherwise been involved in the case up to the point of receiving an appeal request. Following a complete review of all submitted information for consideration in the appeal, the Appeal Decision-Maker shall issue a written determination to all parties simultaneously. Such determination shall include the result of the appeal and the rationale for the result. See [Appeal of Determination](#).

Decision-Makers are individuals or groups who have the authority to determine whether or not institutional policy was violated in accordance with the specified standard of proof and to determine appropriate remedies and corrective action/sanctions. See [Administrative Resolution](#) and [Hearing Resolution](#).

Investigators are individuals designated by Earlham to conduct reliable, prompt, fair, and impartial investigations of discrimination and misconduct reports, including identifying and interviewing parties and witnesses; identifying, organizing, and compiling relevant information; maintaining accurate and thorough investigation records and notes; and writing clear, concise, and comprehensive investigation reports. See [Investigator Appointment](#).

Responsible Compliance Officers have the institutional authority to effectively coordinate the Earlham's compliance efforts and responsibilities. They are responsible for conducting the preliminary inquiry for all reported incidents, and for ensuring the procedures outlined in this policy are followed. See [Institutional Contacts for Discrimination and Harassment Reports](#).

Responsible Employees / Mandatory Reporter: An individual with a duty to report any actual or suspected conduct that may reasonably constitute discrimination or harassment or other prohibited conduct. This duty to report extends to all Earlham employees, student workers (including teaching assistants, resident assistants, graduate assistants, etc.), contract workers on Earlham's campus, and volunteers.

APPENDIX D. Investigation Report Outline

Section I **Heading**

Complaint Date

Complainant Full Name

Initial Notice Date (if different)

Initial Notice Received from (if not Complainant)

Respondent Full Name

Investigator(s)

Investigation Report Date

Section II **Executive Summary:** Description of alleged behavior; summary of undisputed facts; summary of disputed facts

Section III **Relevant Background Information:** Summarize when and how the report was made and received; summarize allegations and applicable policies; additional background information necessary to understand history, context, etc.

Section IV **Jurisdiction and Scope:** Statement of jurisdiction in terms of date, time, location, individuals involved, as well as relevant policies and procedures relate to jurisdiction. Include Office with responsibility for discrimination and harassment compliance as relates to the case. List all Parties and Witnesses.

Section V **Applicable Policies and Relevant Definitions:** Copy and paste ALL applicable policies from appropriate sources. Copy and paste ALL applicable definitions from appropriate sources. Copy and paste evidentiary standard that will be applied by Decision-makers.

Section VI **Investigation Timeline:** Description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties,

interviews with parties and witnesses, site visits, methods used to gather other evidence, etc.

- Section VII** **Reported Incident Timeline(s):** Table including date and time of all relevant incidents.
- Section VIII** **Summary of Relevant Statements and Evidence:** Include copies of relevant notes from interviews and written statements, and other relevant evidence. No need to include entire interview notes (unless all is relevant) because you will be including full interview notes in the appendices.
- Section IX** **Credibility Assessment:** Specific and detailed analysis of credibility of the parties, each witness, and any other evidence. Point to specific details that you have considered that have aided in your assessments. Investigator may not include conclusions about credibility.
- Section X** **Discussion and Synthesis:** Discuss and synthesize the relevant information, considering the elements of each policy at issue, and referring back to relevant evidence cited as well as the credibility assessments above. Summarize all areas of contested and uncontested facts/evidence. Investigator may not recommend making recommendations as to findings or final determination. Investigator may also include a summary of all questions asked, all questions suggested by parties, and all questions deemed not relevant by investigator(s).
- Section XI** **Conclusion:** Summarize allegations, investigation process, any recommendations, and next steps.
- Section XII** **Appendices:** Include all applicable evidence and documentation, including the verified full transcript or complete notes from each interview, the formal complaint, any written statements, photos, screenshots, etc. Also always include a copy of the full policies in place at the time of the incident(s) and investigation.

APPENDIX E. Credibility Assessment for Investigators

The following is a non-exhaustive brief of what constitutes evidence and how that evidence might be evaluated by investigators and decision-makers.¹³ See [Evidence](#) and [Evidentiary Considerations for a Hearing](#).

Understanding evidence

- **Evidence** is any kind of information presented to help determine what occurred
- **Relevant** means related to the allegations under investigation:
 - Questions are relevant when they seek evidence that may aid in showing whether the alleged discrimination occurred.
 - Evidence is relevant when it may aid a Decision-maker in determining whether the alleged discrimination occurred or in assessing credibility.
- All relevant evidence, unless otherwise impermissible, must be objectively evaluated and considered. Investigators and Decision-makers will consider relevant evidence that both proves or disproves a policy violation.

Types of evidence

- **Testimonial** – statements or the spoken word from the parties or witnesses.
- **Physical** – also referred to as real evidence – tangible articles (physical objects, including clothing, videotapes, photographs, security footage)
- **Documentary** – evidence found in documents (such as letters, transcripts of conversations, print out of text conversations, etc).
- **Demonstrative** – evidence should demonstrate or illustrate the testimony of a witness (such as maps, floorplans, charts, illustrations, diagrams).

The amount and nature of the evidence created will be largely dependent on the circumstances of the incident(s).

Establishing the credibility of evidence means determining that the evidence is believable and reliable and provides an accurate reflection of what occurred. This requires identifying corroborating evidence and finding consistency across evidence.

Assessment

In determining the credibility of evidence to include in an investigation report, investigators will consider the following elements:

- Is there corroborating evidence: evidence that can be verified by an independent and objective individual or by other reliable evidence or facts?

¹³ Investigation Foundations for Higher Education (2024). Association of Title IX Administrators.

- Is the evidence inherently plausible: information that is believable on its face or by context?
- Is the evidence consistent with other evidence and testimony received?
- Has the evidence been modified or fabricated?
- Is the evidence complete?
- Does the person providing the evidence have a motive to falsify evidence?
- Is the individual's evidence or testimony consistent with their past behavior?
 - *A past record is not proof of alleged actions but can contribute to the plausibility of actions.*
- A past record can indicate a pattern, which raises additional concern for ongoing discrimination and harassment. Does the demeanor of the individual support their believability and reliability?
 - Assessing demeanor requires an understanding of the impact of trauma, as well as culture, age, ability, etc.
 - Memory errors alone do not necessarily diminish witness credibility, nor does some evasion or hesitation.

Not all evidence has the same degree of credibility.

- Less credible evidence may be less reliable evidence

APPENDIX F. Sanction Ranges

Factors considered by the Decision-maker when determining sanctions and responsive actions may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent's disciplinary history
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
- The impact on the Parties
- Any other information deemed relevant by the Decision-maker(s)

Sanctions can be assigned outside this range based on aggravating or mitigating circumstances, or the cumulative conduct record of the Respondent.

The sanctions described here are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed, by external authorities.

Level 1: Warning through Expulsion/Termination

Bullying	Fondling
Failure to Comply/Process Interference	Statutory Rape
Discrimination (without Violence)	Sexual Exploitation
Quid Pro Quo Harassment	Retaliation
Hostile Environment Harassment	Unauthorized Disclosure

Level 2: Probation through Expulsion/Termination

Endangerment	Stalking
Hazing	Dating/Domestic Violence

Level 3: Suspension through Expulsion/Termination

Discrimination with Physical Violence	Sexual Assault with an Object
Rape	Sodomy

PREVENTION EDUCATION

A comprehensive education program in Title IX is designed to be infused with primary, secondary, and tertiary prevention strategies throughout the academic year. Primary prevention strategies target intervention *before* an incident occurs and are focused on improving awareness and education. Secondary prevention strategies *screen* for at-risk situations, behaviors, attitudes, and knowledge as it relates to sexual harassment. Concerns with campus safety and culture should also be evaluated regularly. Tertiary prevention strategies serve to *remedy* the effects of the discrimination, harassment, and/or retaliation on parties involved in the Title IX process and any systemic issues for the campus community with the goal of eliminating sexual harassment.

When implemented strategically, the overarching goal achieved should be a culture where students not only expect and hold accountable administrators for being compliant with Title IX, but inherently students will begin to hold themselves and each other accountable for knowing the various aspects of Title IX including how to locate institution’s policy, procedures, resources, and reporting avenues, and for students to respect and value each other in a way that doesn’t translate to a possible Title IX incident.

The following list of activities highlights Earlham’s commitment to education and training in the areas of sexual harassment, sexual assault, dating violence, domestic violence, and stalking.

Activity	Strategy	Target Audience	Offered	Date
<i>Sex Signals</i> performance (Catharsis Production)	Primary	New Students	In-person	August 2023
Understanding Title IX: Regulations, Responsibilities, and Resources Educational Workshop	Primary, Secondary	Resident Assistants, Hall Directors, Area Directors, and Residence Life Administrators	In-person	August 2023
Training with quiz on Title IX Sexual Harassment	Primary, Secondary	All Faculty and Staff	Self-paced online	September-December 2023
Empowered Choices Training with All Student Athletes	Primary, Secondary	All Student Athletes	In-person	October 2023
Green Dot Bystander Intervention	Secondary, Tertiary	All Campus	In-person	October 2023
Walk A Mile in Her Shoes Fundraiser and Awareness event for A Better Way Rape and Domestic Violence Crisis Center	Primary, Tertiary	Earlham College and Indiana University East Campuses and Surrounding Community	In-person	October 2023
Title IX in Athletics Educational Workshop	Primary	Student Athletes	In-person	October 2023

For more information about the above activities or to request a program or activity, contact the Office of Title IX at 765-983-1346.

SEX CRIMES PREVENTION ACT/SEX OFFENDER REGISTRATION

In accordance to the Campus Sex Crimes Prevention Act (CSCPA) of 2000, which amends the Jacob Wetterling Crimes against Children and Sexually Violent Offender Act, the Jeanne Clery Act and the Family Educational Rights and Privacy Act of 1974, Earlham College is providing a link to the Indiana Sex and Violent Offender Registry.

The CSCPA requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by the State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice, as required under state law, to each institution of higher education in that State which that person is enrolled, employed or carrying on a vocation at the institution.

A list of all registered sex offenders in Indiana is available from the Indiana Sex and Violent Offender Registry. The registry may be accessed via the internet at:
www.state.in.us/serv/cji_sor.

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CRIME STATISTICS

Crime statistics are compiled pursuant to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, designated by calendar year, January 1 through December 31.

Statistics are gathered from crimes reported to the Department of Public Safety, Student Life, and other campus officials with significant student advising responsibility, and local law enforcement agencies.

Religious Life and Counseling Services are encouraged to refer persons they are counseling to report crimes on a voluntary confidential basis for inclusion in the annual crime statistics.

DEFINITIONS

The included crime categories are defined as:

Aggravated Assault

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed.

Arson

Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property, etc.

Burglary

The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

Dating Violence

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and the existence of such relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Domestic Violence

A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by

a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Drug Violations

Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (demerol, methadones); and dangerous non-narcotic drugs (barbiturates, benzedrine).

Liquor Law Violation

The violation of laws or ordinance prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

Motor Vehicle Theft

The theft or attempted theft of a motor vehicle.

Murder and Non-Negligent Manslaughter

The willful (non- negligent) killing of one human being by another.

Negligent Manslaughter

The killing of another person through gross negligence.

Robbery

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

Sex Offenses are defined as any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

Rape is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

This definition includes any gender of victim or perpetrator.

Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory rape is sexual intercourse with a person who is under the statutory age of consent.

Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others or to suffer substantial emotional distress.

Weapons Violations

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

Following is a listing of the total number of reportable crimes occurring during the stated years.

TOTAL CRIMES REPORTED	2021	2022	2023
Aggravated Assault	0	0	0
Arson	0	0	0
Burglary	0	0	0
Criminal Homicide (including Murder and Non-Negligent Manslaughter)	0	0	0
Motor Vehicle Theft	0	0	0
Negligent Manslaughter	0	0	0
Robbery	0	0	0
Sex Offenses (forcible)	*	*	*
Rape	3	4	3
Fondling	0	3	2
Sex Offenses (non-forcible)	*	*	*
Incest	0	0	0
Statutory Rape	0	0	0
Domestic Violence	0	0	0
Dating Violence	0	1	0
Stalking	1	1	0

* The definitions and statistical categories for sex offenses are categorized as rape, fondling, incest and statutory rape

The following is a listing of the total number of persons arrested for the stated violations.

TOTAL ARRESTS	2021	2022	2023
Drug Law Violations	0	0	0
Liquor Law Violations	0	0	0
Weapons Violations	0	0	0

Following is a listing of the total number of judicial referrals to the Dean of Students, for the stated violations.

JUDICIAL REFERRALS	2021	2022	2023
Drug Law Violations	10	12	10
Liquor Law Violations	25	16	15
Weapons Violations	0	0	0

The next compilation of statistics repeats the categories of reported crimes; however, these categories are now broken down by the locations where they occurred at or near Earlham College for the noted calendar years.

The categories of locations are the following:

On-campus - Any College owned or controlled property or building within the contiguous geographical area of the campus;

Student Housing – A Subset of reported On-Campus Crimes. These crimes will be reported for both On-Campus and Residential Facilities locations. For example, if a crime is reported for Student Housing, it will also be reported for that On-Campus location. For this reason, the total number reported below may not match the total number reported above.

Non-campus building or property - Those owned or controlled by Earlham College, used in relation to the College’s educational purposes and frequented by students but that are not contiguous to the geographic area of a College campus; and

Public property – Streets, sidewalks and thoroughfares within the campus or immediately adjacent to and accessible from the campus.

2023	On Campus	Student Housing	Non-Campus	Public Property
Aggravated Assault	0	0	0	0
Arson	0	0	0	0
Burglary	0	0	0	0
Criminal Homicide	0	0	0	0
Motor Vehicle Theft	1	0	0	0
Negligent Manslaughter	0	0	0	0
Robbery	0	0	0	0
Sex Offenses (forcible)	-	-	-	-
Rape	3	3	0	0
Fondling	2	0	0	0
Sex Offenses (non-forcible)	-	-	-	-
Incest	0	0	0	0
Statutory Rape	0	0	0	0
Domestic Violence	0	0	0	0
Dating Violence	0	0	0	0
Stalking	0	0	0	0

2022	On Campus	Student Housing	Non-Campus	Public Property
Aggravated Assault	0	0	0	0
Arson	0	0	0	0
Burglary	0	0	0	0
Criminal Homicide	0	0	0	0
Motor Vehicle Theft	0	0	0	0
Negligent Manslaughter	0	0	0	0
Robbery	0	0	0	0
Sex Offenses (forcible)	-	-	-	-
Rape	4	4	0	0
Fondling	3	3	0	0
Sex Offenses (non-forcible)	-	-	-	-
Incest	0	0	0	0
Statutory Rape	0	0	0	0
Domestic Violence	0	0	0	0
Dating Violence	1	1	0	0
Stalking	1	1	0	0

2021	On Campus	Student Housing	Non-Campus	Public Property
Aggravated Assault	0	0	0	0
Arson	0	0	0	0
Burglary	0	0	0	0
Criminal Homicide	0	0	0	0
Motor Vehicle Theft	0	0	0	0
Negligent Manslaughter	0	0	0	0
Robbery	0	0	0	0
Sex Offenses (forcible)	-	-	-	-
Rape	3	3	0	0
Fondling	0	0	0	0
Sex Offenses (non-forcible)	-	-	-	-
Incest	0	0	0	0
Statutory Rape	0	0	0	0
Domestic Violence	0	0	0	0
Dating Violence	0	0	0	0
Stalking	1	0	0	0

HATE CRIMES

Federal law requires colleges to report the incidence of hate crimes on their campus. Colleges must separately identify which of the crimes defined below involve victims who were intentionally selected because of their actual or perceived race, gender, religion, sexual orientation ethnicity, or disability.

Offense definitions relating to hate/bias-related crime

Statistics as per the UCR Hate Crime Reporting Guidelines

Hate crime: A crime reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For the purposes of this section, the categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.

The following crime categories are reported in the crime statistics

Murder and Non-negligent manslaughter

Sex offenses

Robbery

Aggravated assault

Burglary

Motor vehicle theft

Arson

Larceny-theft

Simple assault

Intimidation

Destruction/damage/vandalism of property

Larceny-Theft (Except Motor Vehicle Theft)

The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

Simple Assault

An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

Intimidation

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

Destruction/Damage/Vandalism of Property

To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

None of the crimes listed above were categorized as a hate crime. Moreover, Earlham College has not received a report of a hate crime that falls outside the above categories of crime.

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FIRE SAFETY

INTRODUCTION

The Higher Education Opportunity Act requires all institutions of higher education that maintain on-campus housing to publish an annual Fire Safety Report. This report contains the information required by the HEOA for Earlham College including fire safety practices and a fire log with statistics regarding residential facility fires.

FIRE SAFETY INFORMATION/POLICIES

Fire and Safety Equipment:

Fire safety equipment (fire alarms, extinguishers, exit lights, emergency lights, smoke alarms, and hoses) are located in strategic areas of halls and houses for your safety. Use these only for emergencies. Do not prop fire doors open.

We, at Earlham College, do our best to provide for the personal safety and security of each resident. Smoke detectors and fire extinguishers have been placed around campus to protect lives and possessions. For one's own safety, please do not remove batteries from smoke detectors or discharge fire extinguishers. Tampering with these safety items is considered a serious offense. The law requires Earlham College to have these fire safety items in place, and the law also covers tampering with fire extinguishers and smoke detectors. Therefore, any person caught tampering with the smoke detectors or fire extinguishers may be handed over to law enforcement authorities as well as face judicial proceedings from the college.

Fire escapes are for emergencies only. Individuals may not use fire escapes for any other reason. Do not block windows (this includes lofts and large pieces of furniture).

Flammable Objects:

Combustibles, gasoline, explosives, or highly flammable chemicals are not permitted in the residence halls. Halogen Lamps, candles, oil lamps, incense, and other open flame objects are not permitted in the residence halls. Possession of these items in rooms even if not being used, is prohibited.

Live Christmas trees are not permitted in residence hall rooms or lounges.

No electrical lights are permitted on metal trees.

Electrical Appliances:

Students may use the following electrical devices in their rooms: clocks, electric fans, floor lamps, shavers, microwaves, stereo equipment, hair dryers, curling irons, television sets, and computer equipment.

Personally owned hot plates, broilers, toaster units, toasters, lava lamps, space heaters, halogen lamps, and room air conditioners are NOT permitted because of the possibility of power failures, overloaded electrical circuits, and fire hazards. Electrical appliances as well as all extension cords must be UL approved. Too many appliances attached to an extension cord may create a fire hazard. Heavy-duty extension cords are required for distances of more than six feet. A power strip is required when using more than two appliances at any wall receptacle.

Refrigerators, microwaves and other appliances acceptable to campus policies, but older than ten years, are prohibited in the residence halls.

Christmas Lights must be UL approved, fused, and in-line style.

Building Decorations:

Due to the increased fire hazards/risks that they present, hay, leaves, sticks, live Christmas trees, large posters, lava lamps, halogen lamps, artificial Christmas trees over 3 feet tall or other flammable items are not permitted anywhere in college buildings. The use of fire retardant decorations is desired in decorating residence halls and other buildings.

Emergency Procedures:

Because Residence Life staff has been trained in proper emergency procedures, residents and their guests must adhere to all directives given by any staff member. Failure to comply will result in disciplinary action.

Every year college and university students experience a growing number of fire-related emergencies. There are several causes for these fires; however most are due to a general lack of knowledge about fire safety and prevention. Cooking is the leading cause of fire injuries on college campuses, closely followed by careless smoking and arson. Students tampering with fire safety equipment may be fined in accordance with local, state, and federal ordinances.

THE CAUSE...

Many factors contribute to the problem of residence hall housing fires.

Improper use of 911 notifications systems delays emergency response.

Student apathy is prevalent. Many are unaware that fire is a risk or threat in the environment.

Evacuation efforts are hindered since fire alarms are often ignored.

Building evacuations are delayed due to lack of preparation and pre-planning.

Vandalized and improperly maintained smoke alarms and fire alarm systems inhibit early detection of fires.

Misuse of cooking appliances, over-loaded electrical circuits and extension cords increase the risk of fires.

YOUR RESPONSE...

When a fire alarm sounds:

1. Grab a towel or article of clothing to place over face.
2. Check the room door for heat.
3. Close room windows.
4. Leave room lights on.
5. Stay low to the floor and calmly proceed to the nearest exit.
6. Residence Life staff will check rooms to ensure everyone has evacuated.

ALWAYS, ALWAYS, ALWAYS take a fire alarm seriously. Your safety is dependent on your response during drills and/or in the actual event of a fire. Failure to evacuate may result in fines and or disciplinary action.

EDUCATION AND TRAINING INFORMATION

Resident students are offered in-service training from Public Safety during the school year. Information related to policies, procedures, and evacuation is discussed. Residence Life staff are responsible to supervise evacuation when a building alarm is activated.

Residence Life staff receive annual in-service training from the Department of Public Safety on fire safety topics including prevention, suppression, and response.

EVACUATION PROCEDURES

Evacuation procedures are posted on all residence hall rooms (back side of door). The posting includes evacuation routes, safe zone, alarm pull stations, fire extinguisher locations and assembly areas.

FIRE SAFETY DATA

Alarm Location	Pull	Monitored On Campus	Sprinkler	Smoke	Fire Extinguishers	Evacuation Plans Posted	Drills
RESIDENCE HALLS							
Barrett Hall	X	X	X	X	X	X	4
Bundy Hall	X	X	X	X	X	X	4
Earlham Hall	X	X	X	X	X	X	4
Hoerner Hall	X	X		X	X	X	4
Mills Hall	X	X	X	X	X	X	4
Olvey-Andis Hall	X	X	X	X	X	X	4
Warren Hall	X	X	X	X	X	X	4
Wilson Hall	X	X	X	X	X	X	4
RESIDENCE HOUSES							
Bright		X		X	X	X	
Cadbury		X		X	X	X	
Cunningham (CCC)		X		X	X	X	
Cutter		X		X	X	X	
Darby		X		X	X	X	
Doan		X		X	X	X	
Edwards		X		X	X	X	
Fell		X		X	X	X	
Foster		X		X	X	X	
Fry		X		X	X	X	
Gurney		X		X	X	X	
Hobbs		X		X	X	X	
Hole		X		X	X	X	
Anderson Cottage		X		X	X	X	
JCC (Blue Shutters)		X		X	X	X	
Kelly		X		X	X	X	
Marmon		X		X	X	X	
Marshall		X		X	X	X	
Mott		X		X	X	X	
Penn		X		X	X	X	
Reece		X		X	X	X	
Lauramoore		X		X	X	X	
Russell		X		X	X	X	
Thornburg		X		X	X	X	
Wilbur		X		X	X	X	
Wildman		X		X	X	X	
Woodman		X		X	X	X	

REPORTED RESIDENTIAL FIRES 2023

LOCATION	NUMBER OF FIRES	CAUSE OF FIRE	NUMBER OF INJURIES	NUMBER OF DEATHS	Property Value
RESIDENCE HALLS					
Barrett Hall	0	N/A	0	0	N/A
Bundy Hall	0	N/A	0	0	N/A
Earlham Hall	1	Cooking	0	0	N/A
Hoerner Hall	0	N/A	0	0	N/A
Mills Hall	0	N/A	0	0	N/A
Olvey-Andis Hall	0	N/A	0	0	N/A
Warren Hall	0	N/A	0	0	N/A
Wilson Hall	0	N/A	0	0	N/A
RESIDENCE HOUSES	0	N/A	0	0	N/A
Bright	0	N/A	0	0	N/A
Cadbury	0	N/A	0	0	N/A
Cunningham (CCC)	0	N/A	0	0	N/A
Cutter	0	N/A	0	0	N/A
Darby	0	N/A	0	0	N/A
Doan	0	N/A	0	0	N/A
Edwards	0	N/A	0	0	N/A
Fell	0	N/A	0	0	N/A
Foster	0	N/A	0	0	N/A
Fry	0	N/A	0	0	N/A
Gurney	0	N/A	0	0	N/A
Hicks	0	N/A	0	0	N/A
Hobbs	0	N/A	0	0	N/A
Hole	0	N/A	0	0	N/A
Jay	0	N/A	0	0	N/A
JCC (Beit Kehillah)	0	N/A	0	0	N/A
Kelly	0	N/A	0	0	N/A
Marmon	0	N/A	0	0	N/A
Marshall	0	N/A	0	0	N/A
Mott	0	N/A	0	0	N/A
Penn	0	N/A	0	0	N/A
Reece	0	N/A	0	0	N/A
Rowntree	0	N/A	0	0	N/A
Russell	0	N/A	0	0	N/A
Thornburg	0	N/A	0	0	N/A
Wilbur	0	N/A	0	0	N/A
Wildman	0	N/A	0	0	N/A
Woodman	0	N/A	0	0	N/A

REPORTED RESIDENTIAL FIRES 2022

LOCATION	NUMBER OF FIRES	CAUSE OF FIRE	NUMBER OF INJURIES	NUMBER OF DEATHS	Property Value
RESIDENCE HALLS					
Barrett Hall	0	N/A	0	0	N/A
Bundy Hall	0	N/A	0	0	N/A
Earlham Hall	0	N/A	0	0	N/A
Hoerner Hall	0	N/A	0	0	N/A
Mills Hall	0	N/A	0	0	N/A
Olvey-Andis Hall	0	N/A	0	0	N/A
Warren Hall	0	N/A	0	0	N/A
Wilson Hall	0	N/A	0	0	N/A
RESIDENCE HOUSES					
Bright	0	N/A	0	0	N/A
Cadbury	0	N/A	0	0	N/A
Cunningham (CCC)	0	N/A	0	0	N/A
Cutter	0	N/A	0	0	N/A
Darby	0	N/A	0	0	N/A
Doan	0	N/A	0	0	N/A
Edwards	0	N/A	0	0	N/A
Fell	0	N/A	0	0	N/A
Foster	0	N/A	0	0	N/A
Fry	0	N/A	0	0	N/A
Gurney	0	N/A	0	0	N/A
Hicks	0	N/A	0	0	N/A
Hobbs	0	N/A	0	0	N/A
Hole	0	N/A	0	0	N/A
Jay	0	N/A	0	0	N/A
JCC (Beit Kehillah)	0	N/A	0	0	N/A
Kelly	0	N/A	0	0	N/A
Marmon	0	N/A	0	0	N/A
Marshall	0	N/A	0	0	N/A
Mott	0	N/A	0	0	N/A
Penn	0	N/A	0	0	N/A
Reece	0	N/A	0	0	N/A
Rowntree	0	N/A	0	0	N/A
Russell	0	N/A	0	0	N/A
Thornburg	0	N/A	0	0	N/A
Wilbur	0	N/A	0	0	N/A
Wildman	0	N/A	0	0	N/A
Woodman	0	N/A	0	0	N/A

REPORTED RESIDENTIAL FIRES 2021

LOCATION	NUMBER OF FIRES	CAUSE OF FIRE	NUMBER OF INJURIES	NUMBER OF DEATHS	Property Value
RESIDENCE HALLS					
Barrett Hall	0	N/A	0	0	N/A
Bundy Hall	0	N/A	0	0	N/A
Earlham Hall	0	N/A	0	0	N/A
Hoerner Hall	0	N/A	0	0	N/A
Mills Hall	0	N/A	0	0	N/A
Olvey-Andis Hall	0	N/A	0	0	N/A
Warren Hall	0	N/A	0	0	N/A
Wilson Hall	0	N/A	0	0	N/A
RESIDENCE HOUSES					
Bright	0	N/A	0	0	N/A
Cadbury	0	N/A	0	0	N/A
Cunningham (CCC)	0	N/A	0	0	N/A
Cutter (German)	0	N/A	0	0	N/A
Doan	0	N/A	0	0	N/A
Darby	0	N/A	0	0	N/A
Edwards	0	N/A	0	0	N/A
Fell	0	N/A	0	0	N/A
Foster	0	N/A	0	0	N/A
Furnas	0	N/A	0	0	N/A
Gurney	0	N/A	0	0	N/A
Hicks	0	N/A	0	0	N/A
Hobbs	0	N/A	0	0	N/A
Hole	0	N/A	0	0	N/A
Jay	0	N/A	0	0	N/A
JCC (Beit Kehillah)	0	N/A	0	0	N/A
Kelly	0	N/A	0	0	N/A
Marmon	0	N/A	0	0	N/A
Marshall	0	N/A	0	0	N/A
Millers Farm	0	N/A	0	0	N/A
Mott	0	N/A	0	0	N/A
Penn	0	N/A	0	0	N/A
Reece	0	N/A	0	0	N/A
Rowntree	0	N/A	0	0	N/A
Russell	0	N/A	0	0	N/A
Thornburg	0	N/A	0	0	N/A
Wilbur	0	N/A	0	0	N/A
Wildman (French)	0	N/A	0	0	N/A
Woodman	0	N/A	0	0	N/A

For the purposes of these statistics, a fire is defined as:

Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

BETHANY SEMINARY CRIME STATISTICS

	On-Campus			Student Housing			Non-Campus			Public		
	2023	2022	2021	2023	2022	2021	2023	2022	2021	2023	2022	2021
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Sexual Offenses												
Rape	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
ARRESTS												
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Drug Violations	0	0	0	0	0	0	0	0	0	0	0	0
Weapons Violations	0	0	0	0	0	0	0	0	0	0	0	0
NON-ARREST CAMPUS REFERRALS												
Alcohol	0	0	0	0	0	0	0	0	0	0	0	0
Drug Violations	0	0	0	0	0	0	0	0	0	0	0	0
Weapons Violations	0	0	0	0	0	0	0	0	0	0	0	0

Bethany Seminary had no reported Hate Crimes during this reporting period.

BETHANY SEMINARY FIRE SAFETY DATA

LOCATION	PULL ALARMS	ALARMS MONITORED ON SITE	SPRINKLERS	SMOKE DETECTION	FIRE EXTINGUISHERS	EVACUATION PLANS POSTED	# OF DRILLS (ACAD. YR)
Patterson House				X	X	X	2
Mullen House				X	X	X	2
Brethren House				X	X	X	2
Carver House				X	X	X	X
Richmond House				X	X	X	X

Bethany Seminary had no reported fires in 2021, 2022 or 2023.