



Sex Discrimination and Sex-based Harassment

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Policy Specifications

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I. Scope

The purpose of this Policy is to define and prohibit conduct that constitutes sex discrimination, including sex-based harassment, sexual assault, dating violence, domestic violence, stalking, and related forms of Prohibited Conduct, under applicable law and Earlham policy. This Policy, together with the [Discrimination and Harassment Grievance Procedures](#), governs Earlham's response to such conduct in its education program or activity.

This policy applies to all students, employees, visitors, volunteers, alumni, trustees, contractors, and any individuals who are studying, working, living, visiting, conducting business, participating in programs or activities, or otherwise acting in any official capacity at Earlham College or the Earlham School of Religion ("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 incident¹.

II. Introduction

- 2.1. Earlham values and upholds the equal dignity of all members of its community. Consistent with its [Nondiscrimination and Anti-Harassment Policy](#), prohibits all forms of discrimination and harassment, including sex discrimination, sex-based harassment, and retaliation, in its education program or activity.
- 2.2. This commitment is reinforced by applicable federal law. Title VII of the Civil Rights Act of 1964² prohibits sex discrimination in employment, and Title IX of the Education Amendments of 1972³ prohibits, with certain exceptions, discrimination or exclusion on the basis of sex in any education program or activity receiving federal financial assistance.
- 2.3. Federal law also provides specific protections relating to pregnancy and related conditions. The Pregnant Workers Fairness Act⁴ protects employees and students from discrimination on the basis of pregnancy and all related conditions and requires institutions to provide reasonable accommodations for known limitations related to pregnancy, childbirth, and related medical conditions.
- 2.4. To fulfill its commitments under its policies and applicable federal and state civil rights laws, Earlham maintains policies and procedures designed to prevent, address

¹ Applicable versions of those policies and procedures are available from the Title IX Coordinator.

² Civil Rights Act of 1964, Title VII, 42 U.S.C. §§ 2000e-2000e-17.

³ 20 U.S.C. § 1681(a).

⁴ 29 C.F.R. Part 1636

and remedy sex discrimination, sex-based harassment, and retaliation. These policies and procedures provide a prompt, equitable, and impartial process for resolving allegations of Prohibited Conduct.

- 2.5. Allegations of sex discrimination, sex-based harassment, and retaliation are addressed through the [Discrimination and Harassment Grievance Procedures](#), which provide supportive measures, equitable resolution processes, and appropriate sanctions and remedies.
- 2.6. As the Responsible Compliance Officer designated to oversee compliance with Title IX and related laws, the Title IX Coordinator or designee takes prompt and effective steps to prevent, address and remedy sex discrimination or sex-based harassment in Earlham's education program or activity.

III. Definitions

- 3.1. **Chief Diversity Officer:** The Chief Diversity Officer (CDO) is a senior administrator appointed by the President of Earlham College to develop, review, and manage institutional policies and initiatives that ensure compliance with equal opportunity and civil rights laws. The CDO, or their designee, serves as the primary point of contact for receiving complaints of Prohibited Conduct under Earlham policy. The CDO delegates certain responsibilities for administering these procedures to the Title IX Coordinator.
- 3.2. **Complainant:** A person who is alleged to have been subjected to conduct that could constitute sex discrimination and/or sex-based harassment 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 and/or sex-based harassment.
- 3.3. **Complaint:** An oral or written request that objectively can be understood as a request for Earlham to investigate and make a determination about alleged policy violation(s).
- 3.4. **Confidential Employee:**
 - 3.4.1. Confidential employees are:
 - 3.4.1.1. Employees whose communications are privileged or confidential under federal or state law. An employee's confidential status applies only to information received while performing duties for which the applicable legal privilege or confidentiality obligation exists; or

- 3.4.1.2. Employees designated by Earlham to provide confidential advice and guidance concerning the application of Earlham policies. If the employee performs duties unrelated to providing such advice and guidance, the employee's confidential status only applies with respect to information received about discrimination, harassment, or retaliation in connection with providing those services; or
 - 3.4.1.3. 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.
- 3.4.2. Confidential employees will maintain confidentiality except when there is an imminent threat to the health or safety of any person; or danger or abuse of a minor, elder, or individual with a disability; or when required to disclose by law or court order.
- 3.5. **Discipline.** *See Sanction*
- 3.6. **Education program or activity:** Locations, events, or circumstances where Earlham exercises substantial control over the context in which the Prohibited Conduct occurs, including any building owned or controlled by a student organization that Earlham officially recognizes, Clery-defined campus jurisdiction, and off-campus locations required as part of Earlham's curricular and co-curricular activity.
- 3.7. **Notice:** When an employee, student, or third party informs the Responsible Compliance Officer of the alleged occurrence of discriminatory, harassing, and/or retaliatory conduct.
- 3.8. **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.
- 3.9. **Parties:** The Complainant and Respondent, collectively.
- 3.10. **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.

- 3.11. **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.
- 3.12. **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 and the [Nondiscrimination and Anti-Harassment Policy](#).
- 3.13. **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; and veteran status and status as past or present service member (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; Uniformed Services Employment and Reemployment Rights Act of 1994). Indiana law also prohibits discrimination in employment on the basis of off-duty tobacco use and a sealed or expunged arrest or conviction record (Indiana Code § 22-5-4-1; Indiana Code § 35-38-9-10).
- 3.14. **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 and/or sex-based harassment. 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 and/or sex-based harassment occurred.
- 3.15. **Respondent:** An individual who is alleged to have committed Prohibited Conduct.
- 3.16. **Responsible Compliance Officer:** An Employee who is responsible for ensuring compliance with Earlham's nondiscrimination and anti-harassment procedures. See *Title IX Coordinator*.
- 3.17. **Sanction:** A formal disciplinary action should a Respondent be found Responsible for a violation of Earlham policy.
- 3.18. **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.

- 3.19. **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.

IV. Jurisdiction of Earlham

- 4.1. 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.
- 4.2. 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.
- 4.3. This policy is applicable to the effects of off-campus misconduct that effectively deprives students or employees to equal educational or employment opportunity.
- 4.4. 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 campus safety or local law enforcement if the individual would like to file a police report.
- 4.5. 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.
- 4.6. 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.

- 4.7. All vendors, volunteers, and other paid or unpaid individuals involved with Earlham programs and activities are subject to this policy.
- 4.8. 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.
- 4.9. The Title IX Coordinator may be able to advocate for a student or employee Complainant who alleges 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.

V. Employee Obligations to Report Misconduct

- 5.1. 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.
- 5.2. 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. This duty to report extends to all student workers (teaching assistants, resident assistants, graduate assistants, etc.), contract workers on Earlham's campus, and volunteers.
- 5.3. If a Complainant expects formal action in response to their allegations, the Complainant can provide a 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.
- 5.4. 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.
- 5.5. 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 or another Responsible Compliance Officer 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 Employee. 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 under this policy or the law to report their own experience, though they are, of course, encouraged to do so.

VI. Institutional Contacts for Reporting

6.1. For sex discrimination and sex-based harassment allegations

Tracy Amyx, SHRM-CP
Director of Civil Rights Compliance and Title IX Coordinator
LBC 132
Phone: 765-983-1628
Email: amyxtr@earlham.edu

Visit <https://earlham.edu/office-of-title-ix>
Email titleix@earlham.edu

6.2. For student disability and pregnancy/parenting accommodations

504 Coordinator

Jennifer James
Director of Disability and Accessibility Services
Lilly Library
Phone: 765-983-1390 | Email: jamesje@earlham.edu

6.3. For discrimination and harassment (unrelated to sex), and hazing

Office of the President / Equal Opportunity

Gariot P. Louima, PhD
**Chief of Staff and Vice President for
Equal Opportunity & Compliance**
Carpenter 160A
Phone: 765-983-1208
Email: louimga@earlham.edu

Tracy Amyx, BS, SHRM-CP
**Director of Civil Rights Compliance
& Title IX Coordinator**
LBC 132
Phone: 765-983-1628
Email: amyxtr@earlham.edu

Office of Human Resources

Zaigen Halcomb, SHRM-CP
Director, Human Resources
Phone: 765-983-1619
Email: halcoza@earlham.edu

VII. To Report Externally

Concerns about Earlham's application of this policy and related procedures or compliance with certain federal civil rights laws may also be addressed to the U.S. Department of Education Office for Civil Rights (OCR) at:

The OCR office for Indiana

Denver OCR Office
U.S. Department of Education
Cesar E. Chavez Memorial Bldg.
1244 Speer Boulevard, Suite 310
Denver, CO 80204-3582
Phone: 303-844-5695
Fax: 303-844-4303
TDD: 800-877-8339
Email: OCR.Denver@ed.gov

The OCR national headquarters

U.S. Department of Education
Office for Civil Rights
LBJ Education Bldg.
400 Maryland Avenue, SW
Washington, DC 20202-1100
Phone: 800-421-3481
FAX: 202-453-6012
TDD: 800-877-8339
Email: OCR@ed.gov

For general information or to file a complaint about employment-related matters, contact the Equal Employment Opportunity Commission (EEOC). Go to the [EEOC Public Portal](#).

VIII. Confidential Resources

To enable community members to access support and resources without filing a complaint, Earlham has designated specific employees as Confidential Resources (see [Definitions: Confidential Resources](#)). Employees who are Confidential Resources will provide members of the Earlham community with the appropriate contact information for reporting discrimination, harassment or other Prohibited Conduct, and they will offer options and resources without any obligation to inform an outside agency or Earlham official unless a Complainant has requested the information be shared.

Employees whose roles confer confidentiality as described above and [in related definitions](#), 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>.

The following are designated confidential employees:

8.1. 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 throughout the year, except when a weekday falls on a major holiday

Barbie Will, MSW, LCSW

Contract Counselor

Phone: 765-983-1609

Email: willba@earlham.edu

Alexis Williams, LPC

Counselor

Phone: 765-983-1609

Email: willial@earlham.edu

8.2. 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 throughout the year, except when a weekday falls on a major holiday

Shamara A. Daniel, MS, CWHC

Wellness and Health Coach

Phone: 765-983-1449

Email: dickesh@earlham.edu

Courtney Fullmer, PMHNP-BC

Psychiatric Nurse Practitioner

Email: skaggco@earlham.edu

Emmi Jo Newton, RN, BSN

Nurse

Phone: 765-983-1328

Email: newtoem@earlham.edu

Windel Stracener, MD

Campus Physician

Phone: 765-983-1328

Amanda Wright, RN, MSN

Director of Health Services

Phone: 765-983-1328

Email: wriham@earlham.edu

8.3. Ombudsperson

Designated confidential by Earlham

VACANT

8.4. Chaplaincy

Confidential under Indiana law

Mimi Holland, MA, MDiv

Chaplain and Director of Religious Life

Virginia Cottage

Phone: 765-983-1753

Email: hollame@earlham.edu

8.5. External Confidential Resources

In addition, community members 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 those services.

IX. Title IX Coordinator: Independence and Conflicts of Interest

9.1. The Director of Civil Rights Compliance and Title IX Coordinator has the primary responsibility for coordinating Earlham's efforts to comply with its responsibilities under Title IX. These responsibilities include:

9.1.1. **Policy:** The Title IX Coordinator works with the Chief Diversity Officer and the Director of Human Resources to adopt, publish, and implement this and related policy.

9.1.2. **Reporting:** The Title IX Coordinator, and/or their designee, responds to reports of alleged sex discrimination and sex-based harassment and oversees risk assessment, intake, and implementation of supportive measures to stop, remediate, and prevent discrimination, harassment, and retaliation prohibited under this policy. This includes monitoring for and addressing potential barriers to reporting information about conduct that may constitute sex discrimination and/or sex-based harassment under Title IX in Earlham's education program or activity.

9.1.3. **Resolution processes:** The Title IX Coordinator oversees all resolutions under this policy and related procedures.

9.1.4. **Training:**

9.1.4.1. **Title IX Response Team:** The Title IX Coordinator will coordinate appropriate training for members of the Title IX

response team, which include those who assist with risk and safety assessment, provide supportive measures, and facilitate informal resolution processes, as well as investigators, decision-makers, 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.

9.1.4.2. **Earlham Employees:** The Title IX Coordinator ensures that all Earlham employees receive training related to this policy and to their mandated duty as Responsible Employees upon hire, upon a change in position that alters their Title IX responsibilities, and annually thereafter.

9.1.4.3. **Students:** The Title IX Coordinator ensures that all Earlham students receive training related to this policy upon matriculation. Additionally, the Title IX Coordinator will collaborate with appropriate campus offices to provide sex discrimination and sex-based harassment prevention activities for students. Such activities may include tailored training to address alleged sex discrimination and sex-based harassment in a particular part of Earlham's education program or activity or at a specific location when information indicates there may be multiple incidents of sex discrimination and/or sex-based harassment.

9.1.5. 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 Title IX response team and those 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.

9.1.6. Reports, bias, potential conflict of interest, or misconduct committed by any individual involved in a Title IX process should be reported to the Title IX Coordinator.

9.1.7. Concerns regarding bias or conflicts of interest involving the Title IX Coordinator, as well as reports alleging misconduct, discrimination, or other policy violations by the Title IX Coordinator, shall be directed to Gariot Louima, Chief of Staff and Vice President for Equal Opportunity and Compliance, at louimga@earlham.edu.

X. Prohibited Conduct

10.1. Discrimination and Harassment

Students and employees 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 sex-based harassment.

Prohibited Conduct includes all forms of:

10.1.1. **Discrimination:** Differential treatment of an individual or group of people based protected characteristics, including but not limited to 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](#).

10.1.1.1. 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.

10.1.1.2. 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.

10.1.2. **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.

10.1.2.1. 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.

10.2. Sex Discrimination and Sex-based Harassment

- 10.2.1. **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.
- 10.2.2. **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:
- 10.2.2.1. **Hostile environment harassment** is unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Earlham's education program or activity.⁵
- 10.2.2.2. **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 conditions the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct.
- 10.2.3. **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 Criminal Sexual Contact; Incest; Rape; or Statutory Rape. (Federal Bureau of Investigation's [National Incident-Based Reporting System \[NIBRS\], 2025](#))
- 10.2.3.1. **Criminal Sexual Contact**⁶: The intentional touching of a victim's clothed or unclothed body parts, without the victim's consent, for the purpose of sexual gratification, sexual degradation, or sexual humiliation. The offense also includes

⁵ Amended for alignment with Nondiscrimination on the Basis of Sex in Education program or activity Receiving Federal Financial Assistance. 34 C.F.R. § 106.30(a) (2020). <https://www.federalregister.gov/d/2020-10512/p-6446>.

⁶ The [2025 National Incident-Based Reporting System](#) (6/23/2025) updates verbiage from “Fondling” to “Criminal Sexual Contact.”

intentionally causing a victim, without the victim's consent, to touch the actor's clothed or unclothed body parts for the purpose of sexual gratification, sexual degradation, or sexual humiliation. A victim's lack of consent includes circumstances in which the victim is incapable of consenting because of age, temporary or permanent mental or physical impairment, or intoxication. ([NIBRS, 2025](#))

- 10.2.3.2. **Incest:** Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. The classification for this offense should not be determined based solely on the relationship and/or age of the persons. If force is used in any way, this should be classified as Rape. ([NIBRS, 2025](#); [IN Code § 35-46-1-3](#))
- 10.2.3.3. **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, or by a sex-related object, if the victim did not consent or if the victim was incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol) or because of age. Physical resistance is not required on the part of the victim to demonstrate lack of consent. ([NIBRS, 2025](#))
- 10.2.3.4. **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](#))
- 10.2.4. **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.
- 10.2.5. **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 with the Complainant; 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.
- 10.2.6. **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. Stalking can also include intimidation, unlawfully placing another person in reasonable fear of harm through the use of threatening words and/or other conduct without displaying a dangerous weapon or subjecting the victim to an actual physical attack. In addition, the offender can make threats in person, over the telephone, in writing, through electronic communications, etc.

10.2.7. **Sexual exploitation:** When one person takes 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 the other sexual misconduct offenses. Examples of Sexual Exploitation include, but are not limited to:

- 10.2.7.1. 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)
- 10.2.7.2. Invasion of sexual privacy (e.g., doxxing⁷)
- 10.2.7.3. Knowingly making an unwelcome disclosure of (or threatening to disclose) an individual's sexual orientation, gender identity, or gender expression
- 10.2.7.4. 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
- 10.2.7.5. Prostituting another person
- 10.2.7.6. 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 Doxxing is to search for and publish private or identifying information about (a particular individual) on the internet, typically with malicious intent.

- 10.2.7.7. 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
- 10.2.7.8. Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections (e.g., spoofing)
- 10.2.7.9. 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
- 10.2.7.10. Knowingly soliciting a minor for sexual activity
- 10.2.7.11. Engaging in sex trafficking
- 10.2.7.12. Knowingly creating, possessing, or disseminating child sexual abuse images or recordings
- 10.2.7.13. 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 (e.g., AI-generated media, such as Deepfakes)
- 10.2.7.14. Creating or disseminating images or videos of child sexual abuse material

10.3. Title IX Sexual Harassment

Any of the following conduct on the basis of sex constitutes sexual harassment under Title IX⁸:

- 10.3.1. 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);

⁸ Nondiscrimination on the Basis of Sex in Education program or activity Receiving Federal Financial Assistance. 34 C.F.R. § 106.30(a) (2020). <https://www.federalregister.gov/d/2020-10512/p-6446>

- 10.3.2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Earlham's education program or activity; or
- 10.3.3. "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\(a\)\(30\)](#).

10.4. Consent, Force, Coercion, Incapacitation, Intimidation

- 10.4.1. **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.
 - 10.4.1.1. 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.
 - 10.4.1.2. 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.
 - 10.4.1.3. 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.
 - 10.4.1.4. Consent can 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.
 - 10.4.1.5. 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.

- 10.4.1.6. Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse).
- 10.4.1.7. A current or previous intimate relationship is not sufficient to constitute consent.
- 10.4.1.8. 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.
- 10.4.1.9. 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.
- 10.4.2. **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 consent. Sexual activity that is forced is, by definition, non-consensual. Non-consensual sexual activity, however, is not necessarily forced.
- 10.4.3. **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.
- 10.4.4. **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.

- 10.4.4.1. 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.
- 10.4.4.2. 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.
- 10.4.4.3. 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.
- 10.4.4.4. It is a defense to a charge of violating this policy that the Respondent neither knew nor reasonably should have known that the Complainant was physically or mentally incapacitated. For purposes of this provision, "reasonably should have known" is determined using an objective reasonable-person standard, assuming a person who is sober and exercising sound judgment.

10.5. 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).

- 10.5.1. 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. This protection against retaliation does not alter or excuse any employee's independent obligation to report alleged discrimination or harassment as required by this policy and Earlham's Nondiscrimination and Anti-Harassment Policy. See [Employee Obligations to Report Misconduct](#).

- 10.5.2. 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.
- 10.5.3. 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.
- 10.5.4. Charges against an individual for policy violations that do not involve sex discrimination or sex-based harassment but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or complaint of sex-based harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation.
- 10.5.5. The exercise of rights protected under the First Amendment does not constitute retaliation.
- 10.5.6. A finding that an individual made a materially false statement in bad faith during a grievance proceeding may result in discipline and does not constitute retaliation. A determination regarding responsibility, by itself, is not sufficient to establish that a party made a materially false statement in bad faith.

10.6. Additional Prohibited Conduct

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

- 10.6.1. **Failure to Provide Reasonable Accommodations:** 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](#).

10.6.2. **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.

10.6.3. **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:

10.6.4.1. Intentional failure to comply with the terms of a No Contact Order;

10.6.4.2. Intentional failure to comply with emergency removal or interim suspension terms;

10.6.4.3. Intentional failure to comply with sanctions;

10.6.4.4. Intentional failure to adhere to the terms of an agreement achieved through informal resolution;

10.6.4.5. Intentional failure to comply with mandated reporting duties as defined in this Policy;

10.6.4.6. Intentional interference with a discrimination or harassment resolution process, including but not limited to:

10.5.4.6.1. Destruction of or concealing of evidence

10.5.4.6.2. Actual or attempted solicitation of knowingly false testimony or providing false testimony or evidence

10.5.4.6.3. Intimidating or bribing a witness or party

10.6.4. **False Allegations and Evidence**

10.6.5.1. 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.

- 10.6.5.2. 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.

10.6.5. Employee-Student Amorous Relationships

- 10.6.6.1. 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.
- 10.6.6.2. Efforts by employees to initiate or oblige romantic or sexual relationships with students is considered a violation of Earlham Policy and subject to disciplinary action, including but not limited to termination of employment.
- 10.6.6.3. An employee who has a preexisting amorous or familial relationship with a student must disclose the relationship to their supervisor and Human Resources. Such disclosure must occur immediately upon the employee's hire if the student is already enrolled, or immediately upon the student's enrollment if the employee is already employed.
- 10.6.6.4. Refer to the Employee-Student Amorous Relationships Policy at <https://earlham.edu/policy/employee-student-amorous-relationships-policy/>.

10.7. Offense Referrals

All reports of civil rights offenses and hazing are resolved pursuant to the Discrimination and Harassment Grievance Procedures. Reports of civil rights offenses that do not involve sex discrimination or sex-based harassment will be administered by the Title IX Coordinator under those procedures.

Conduct that does not violate this Policy, the Nondiscrimination and Anti-Harassment Policy, or the Anti-Hazing Policy may still constitute a violation of other College policies or community standards and may be referred to the appropriate employee or student conduct process.

XI. Notice, Reports and Complaints

To ensure equal access to its educational programs and activities, Earlham welcomes and takes seriously all reports of discrimination, harassment, and retaliation. Upon receiving a verbal or written report or complaint of sex discrimination or sex-based harassment, the Title IX Coordinator will promptly and equitably respond by offering appropriate supportive measures, addressing safety concerns, and explaining available resolution options. Where appropriate and requested by the Complainant, Earlham will seek to resolve the matter through informal resolution or the formal grievance process, and will take steps to prevent further harm, discrimination, or retaliation.

- 11.1. **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.
- 11.2. 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.
- 11.3. A **Complaint** provides notice to Earlham that the Complainant would like to initiate an investigation or other appropriate resolution procedures. A Complainant or third party may initially make a report and may decide at a later time to make a Complaint.
- 11.4. Reports or Complaints of discrimination, harassment, and/or retaliation may be made using any of the following options:
 - 11.4.1. Give verbal or written notice to any responsible or mandated reporter.
 - 11.4.2. File a Complaint or give verbal notice to any of the administrators named in [Institutional Contacts for Reporting](#). Such a Complaint may be made at any time in person, by telephone, email, or standard post to the office of the Administrator listed in this Policy.
 - 11.4.3. Submit a report online using the appropriate form at <https://earlham.edu/report>.
- 11.5. **Anonymous Notice:** If an individual would like Earlham to be aware of an alleged 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 through confidential reporting of any unethical behavior on campus, including sexual harassment or assault.

- 11.5.1. 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.
- 11.5.2. 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 and/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.
- 11.5.3. If an individual submits an anonymous report, they are welcome to provide their name at a later date by submitting another online report or by reporting in writing, phone, or in person to the Title IX Coordinator or other Responsible Compliance Officer.
- 11.5.4. 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.
- 11.5.5. When the Title IX Coordinator initiates an anonymous Complaint, Earlham does not become the Complainant. "Complainant" always refers to the individual who is alleged to have been subjected to conduct that could constitute sex discrimination or sex-based harassment under this Policy.
- 11.5.6. 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. A report allows the Title IX Coordinator to discuss and/or provide supportive measures, in most circumstances.
- 11.6. There is no time limitation on providing Notice or Complaints to Earlham. However, if the Respondent is no longer subject to Earlham's jurisdiction and/or significant time has passed, the ability to investigate, respond, and/or provide remedies may be more limited or impossible.

- 11.7. 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 this Policy, but may be addressed through respectful conversation, remedial actions, education, and/or other Informal Resolution mechanisms.
- 11.8. 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 minimum of seven years.

XII. Amnesty for Complainants and Witnesses

- 12.1. 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 they may have violated certain policies at the time of the incident. Respondents may likewise be hesitant to participate fully or candidly in a grievance process for the same reasons.
- 12.2. It is in the best interests of the Earlham community that Complainants report misconduct to College officials, that Witnesses come forward to share relevant information, and that all parties participate in good faith in grievance proceedings. To encourage reporting and participation, Earlham maintains the following amnesty provisions:
 - 12.2.1. **Students:** Earlham provides amnesty from minor violations of its alcohol and drug policies to students who are parties to an incident, witnesses, or individuals who seek assistance for themselves or others in need. Such minor violations generally will not result in disciplinary action under Earlham policy but may be addressed through dialogue, educational interventions, remedial measures, effective alternative resolution, and/or other informal resolution processes.
 - 12.2.2. **Employees:** Earlham may, in its discretion, offer amnesty to employees who disclose their own minor policy violations while reporting, participating in, or seeking redress for alleged violations of Earlham policy.
- 12.3. Amnesty does not apply to serious misconduct, including physical abuse of another person, the distribution of illegal drugs, or other criminal conduct.

XIII. Privacy and Confidentiality

- 13.1. Earlham will make reasonable efforts to protect the privacy of individuals involved in a report or Complaint of sex discrimination, sex-based harassment, or retaliation. The College will not disclose the identity of a Complainant, Respondent, witness, or other individual involved in a grievance process except as permitted by law, required by law, or necessary to carry out an investigation, grievance proceeding, or resolution process under these policies and procedures, including compliance with Title IX and the Family Educational Rights and Privacy Act (FERPA).
- 13.2. Even if a reporting party does not specifically ask for privacy, the College will only disclose information regarding incidents of alleged sex discrimination and/or sex-based harassment 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.
- 13.3. Those reporting an incident of sex discrimination or sex-based harassment, or who are in the process of reporting or filing a formal complaint under this Policy, 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.
- 13.4. 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.
- 13.5. Earlham will not restrict the ability of Complainant or Respondent to discuss the allegations under investigation or to gather and present relevant evidence, although the institution encourages all parties involved to honor the guidelines for privacy.
- 13.6. In situations in which there is an imminent and serious health and/or safety risk to a student, Earlham may contact parents or legal guardians. 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

- 14.1. Upon Notice of alleged sex discrimination or sex-based harassment, the Title IX Coordinator will promptly communicate with the Complainant 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 Earlham's education program or activity.
- 14.2. 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 and to ensure that sex discrimination or sex-based harassment does not continue or recur within Earlham's education program or activity. Protective measures may include emergency removal or administrative leave (See Earlham's [Discrimination and Harassment Grievance Procedures](#)).
- 14.3. 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, other student, or employee with access to Earlham's education program or activity.
- 14.4. 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 of the parties (e.g., protective orders).
- 14.5. Earlham will make good-faith efforts to implement the terms of judicially issued protective orders and other legally enforceable orders, to the extent such implementation is within the College's authority.
- 14.6. 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.
- 14.7. Supportive measures are detailed in Earlham's [Discrimination and Harassment Grievance Procedures](#).

- 14.8. When a student, or a person who has a legal right to act on behalf of the student, informs any Earlham 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/or sex-based harassment 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

- 15.1. Earlham will act promptly upon all allegations after it has Notice of alleged sex discrimination or receives a Formal Complaint. Complaints are typically resolved within sixty to ninety (60-90) business days. Although exceptions and extenuating circumstances may extend this timeframe, Earlham will avoid undue delays within its control.
- 15.2. 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 utilizes the **preponderance of the evidence standard** for all complaints alleging violations of this Policy. A determination regarding responsibility will be made based on whether, after consideration of the totality of the relevant evidence, the Decision-maker concludes that it is more likely than not that the Respondent violated this Policy. The Decision-maker shall objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence, and shall not make credibility determinations based on a person's status as a Complainant, Respondent, or witness.

XVII. Online Harassment and Misconduct

- 17.1. 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 or activity, or when they involve the use of Earlham networks, technology, or equipment.
- 17.2. 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 other Responsible Compliance Officer,

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.

- 17.3. Any online posting or other electronic communication by students or employees, 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 or 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. Federal Timely Warning and Statistical Reporting Obligations

- 18.1. 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.
- 18.2. 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.
- 18.3. In addition to Responsible Employees' mandatory reporting of sex discrimination and sex-based harassment, those deemed Campus Security Authorities (CSAs) have a duty to report the following for federal statistical reporting purposes ([Clery Act](#)):
 - 18.3.1. All "primary crimes," which include homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, and arson;
 - 18.3.2. 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;
 - 18.3.3. Sex offenses, forcible or nonforcible;

- 18.3.4. Arrests and referrals for disciplinary action for weapons-related law violations, liquor-related law violations, and drug abuse-related law violations.
- 18.4. 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.
- 18.5. See Crime Statistics at <https://earlham.edu/public-safety/crime-statistics/>.

XIX. Academic Freedom

- 19.1. The teaching and learning of the liberal arts at Earlham College rests on the principle of free inquiry and open discourse. This Policy is not intended to inhibit or restrict the free expression or exchange of ideas. Earlham's commitment to academic freedom is set forth in the [Undergraduate College Faculty Handbook](#) and [Earlham School of Religion Faculty Handbook](#).
- 19.2. Expression, discussion, instruction, scholarship, research, or debate undertaken for a legitimate pedagogical or academic purpose will not constitute a violation of this Policy unless the conduct otherwise satisfies the definition of discrimination, harassment, or other Prohibited Conduct under this Policy.

XX. Recordkeeping

- 20.1. Earlham will maintain records related to the implementation of this Policy in a secure, digital location for a period of at least seven years:
 - 20.1.1. Records documenting the informal resolution process or the grievance procedures and the resulting outcome.
 - 20.1.2. Documentation for each notification the Title IX Coordinator receives of information about conduct that reasonably may constitute sex discrimination and/or sex-based harassment under Title IX and the actions taken to end, prevent, and remedy sex discrimination and sex-based harassment.
 - 20.1.3. 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.

- 20.2. When a student is found responsible for violation of Earlham policy, and the resulting sanction includes suspension or expulsion, the record of the grievance and its findings will be maintained indefinitely.

XXI. Policy Review and Amendment

- 21.1. The Chief Diversity Officer and Title IX Coordinator are responsible for annual review of this Policy for compliance with state and federal law.
- 21.2. Clerical amendments – including adding or removing the names of certain administrators named in this Policy – shall be made administratively as necessary.
- 21.3. Changes beyond clerical amendments are reviewed and approved by the President.

CLERICAL NOTES

July 2026 Amendments

- Formatting modernization, numbering changes, citation cleanup, title updates, terminology standardization (“policy” vs. “Policy”), and minor wording edits throughout.
- **Scope revised and expanded.** The purpose statement now expressly states that the policy *defines and prohibits* conduct under both applicable law and Earlham policy and expressly references the Discrimination and Harassment Grievance Procedures. Contractors are specifically added to the covered population. Page 5.
- **Notice of Nondiscrimination section removed and replaced with a new “Introduction” section.** The 2025 policy contained a standalone Notice of Nondiscrimination section; the 2026 version integrates much of that material into a new Introduction section and removes the separate nondiscrimination statement. Page 5.
- **Introduction rewritten.** The legal framework is streamlined and rewritten, including revised descriptions of Title VII, Title IX, and the Pregnant Workers Fairness Act. It also includes a clearer statement of Earlham’s compliance obligations. Page 5.
- **Major renumbering and reorganization of the policy.** Sections were renumbered and reorganized, including:
 - “Mandated Reporting” renamed to “Employee Obligations to Report Misconduct.”
 - “Institutional Contacts” consolidated.
 - “Retaliation” moved from a standalone section to a subsection within “Prohibited Conduct.”
 - “Employee-Student Amorous Relationships” moved into “Additional Prohibited Conduct.”
 - “Other Offenses and Referrals” renamed “Offense Referrals.”
 - Federal Timely Warning section moved ahead of Academic Freedom. see pp. 10–34.
- **Definitions revised:**
 - **Chief Diversity Officer definition revised** to properly represent CDO responsibilities and authority to delegate to the Title IX Coordinator. Page 6.
 - **Confidential Employee definition rewritten** to simplify the confidentiality exceptions language. Pages 6–7.

- **“Sanction”** added to definitions with cross-references “Discipline.” Page 8.
- **Protected Category definition revised and streamlined** for readability and updated terminology (e.g., “Uniformed Services Employment and Reemployment Rights Act”). Page 8.
- **Title IX leadership changed.** The Title IX contact changed from Beth M. Birky, Director of Title IX and Equal Opportunity, to Tracy Amyx, Director of Civil Rights Compliance and Title IX Coordinator. Page 11.
- **Human Resources contact title updated.** Zaigen Halcomb changed from Assistant Director, Human Resources, to Director, Human Resources. Page 11.
- **Student Life conduct contact removed from this policy section.** Page 11.
- **Reporting category expanded to include hazing.** The reporting section now expressly includes discrimination and harassment unrelated to sex and hazing. Page 11.
- **Confidential Resources section substantially shortened and streamlined.** Detailed explanatory language regarding confidentiality obligations was moved into definitions or removed from this section. Pages 12–14.
- **Counseling and Health Services personnel updated.**
 - Alisa Damholt and Desiree Tharp-Davis removed.
 - Alexis Williams added.
 - Emmi Jo Newton added.
 - Shamara Dickenson is now Shamara Daniel.
 - Courtney Skaggs is now Courtney Fullmer.
 - Credentials and titles for several health staff updated. Pages 12–13.
- **Title IX governance revised.** The Title IX Coordinator now works with the Chief Diversity Officer and Director of Human Resources. Page 14.
- **“Title IX Office” replaced with “Title IX Response Team.”** Responsibilities and training language were updated accordingly. Pages 14–15.
- **Conflict-of-interest reporting language revised.** The policy now directs concerns involving Title IX participants to the Title IX Coordinator and concerns involving the Title IX Coordinator to Gariot P. Louima. Page 15.
- **Domestic violence definition amended.** The phrase “shares a child in common” was revised to “shares a child in common with the Complainant.” Page 18.

- **Deepfake provision clarified.** The prohibition on synthetic media now expressly references “AI-generated media, such as Deepfakes.” Page 20.
- **Employee-Student Amorous Relationships section expanded.** Employees with a preexisting amorous or familial relationship with a student must disclose the relationship to their supervisor and Human Resources, a requirement previously noted in the Employee-Student Amorous Relationship Policy. Pages 25–26.
- **Opening notice language rewritten.** The introductory section now provides a more concise description of Earlham’s response obligations and available resolution options. Page 27.
- **Complaint definition expanded.** A Complaint may now be initiated by a complainant **or third party**, whereas the 2025 language referred only to the complainant. Page 27.
- **References to “other Responsible Compliance Officers” added.** Certain reporting pathways now extend beyond the Title IX Coordinator alone. Pages 27–28.
- **Protective orders language amended.** The 2025 language “judicially issued protective orders and similar orders” was revised to “judicially issued protective orders [and] other comparable legally enforceable orders.” This clarifies the scope and ties it to legal enforceability. Page 31.
- **For emergency removal and administrative leave,** cross-reference added to Grievance Procedures. Page 31.
- **Re Online Communication, coverage expanded to employees.** The 2025 version referred to online communications by students; the 2026 version clarifies that coverage applies to students *and* employees. Page 32.
- **New permanent record-retention requirement added to align with recordkeeping requirements in the Student Handbook.** When a student is found responsible and the sanction includes suspension or expulsion, the grievance record and findings will be maintained indefinitely. Page 34.
- **Policy review responsibility expanded.** Annual review responsibility changed from the Title IX Coordinator alone to the Chief Diversity Officer and Title IX Coordinator jointly. Page 34.

November 17, 2025 Amendments

Grammatical clerical changes throughout. Textual amendments include the following:

- Update to Notice of Nondiscrimination, p. 5
- Policy Statement, III.E - ...As the Responsible Compliance Officer designated with Title IX compliance authority, the Title IX Coordinator or a trained designee takes appropriate, prompt, and effective steps to prevent sex discrimination or sex-based harassment in Earlham's education program or activity. ("or a trained designee" added), p. 6
- The clause "and/or sex-based harassment" is added with sex discrimination in the definition of Complainant (IV.B), p. 7
- Definition for Protected Category (IV.M) amended to "included but not limited to," p. 8
- The clause "and/or sex-based harassment" is added with sex discrimination in the definition of Remedies (IV.N), p. 9
- Definition of Responsible Compliance Officer (IV.P) amended to clarify the individual is responsible for "compliance" with Earlham's nondiscrimination and anti-harassment policies," p. 9.
- Updated URL for filing a complaint with the Equal Employment Opportunity Commission, p. 13
- Contacts for campus-based Confidential Resources amended, beginning on p. 15
- Title IX coordinator roles and responsibilities. "Policy" (IX.A.1) amended to correct titles of individuals with whom the Title IX coordinator works on policy publication and implementation, p. 17; "Reporting" (IX.A.2) amended to include "sex-based harassment" along with sex discrimination, p. 17
- Categories of sexual assault (X.B.3) amended to match the FBI's National Incident-Based Reporting System (2025), p. 20. "Sexual Assault with an Object" is reclassified as Rape in this policy.
- Definition of incest amended to match the FBI's National Incident-Based Reporting System (2025), p. 21.

- Promptness of addressing complaints and resolution: Complaints can take sixty to ninety business days, p. 35. Business corrected from “academic.”

October 27, 2025 – Updated verbiage from “Fondling” to “Criminal Sexual Contact,” page 21; update title of chaplain, page 16.

August 25, 2025 – Amendment to definition of Chief Diversity Officer, p.6; amendment to contacts, p. 11.

August 12, 2025 – Notes vacancy in ombudsperson position, page 16.

January 23, 2025 – Revision approved by President Paul Sniegowski. Amendments on page 20, definition for hostile environment harassment corrected to match 34 CFR Part 106.

<https://www.federalregister.gov/d/2020-10512/p-6448>

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).