

SWARTHMORE COLLEGE
ANNUAL FIRE SAFETY AND SECURITY REPORT
2019



TABLE OF CONTENTS

MESSAGE FROM THE PRESIDENT	4
MESSAGE FROM THE DIRECTOR OF PUBLIC SAFETY	5
ANNUAL SECURITY REPORT	5
About Swarthmore College	5
Preparation of the Annual Security Report and Disclosure of Crime Statistics	5
REPORTING CRIMES AND OTHER EMERGENCIES	6
Voluntary, Third Party Reporting	7
Pastoral and Professional Counselors	8
Role, Training, Authority, and Jurisdiction	8
Working Relationship with Local, State, and Federal Law Enforcement Agencies	9
Security of and Access to Campus Facilities	10
Timely Warning Notifications	11
EMERGENCY RESPONSE AND EVACUATION PROCEDURES	12
Emergency Response Policy	12
Drills, Exercises and Training	13
Emergency Notification	13
Enrolling in the College's Emergency Notification System	15
CAMPUS SECURITY POLICIES, CRIME PREVENTION & SAFETY AWARENESS PROGRAMS	16
Crime Prevention and Awareness Programming	16
Missing Person Notification Policy and Procedures	21
Daily Crime and Fire Safety Log	22
Disclosure to Victims of Crimes of Violence	22
Drug-Free Schools and Communities Act and Drug and Alcohol Abuse Prevention Program (DAAPP)	23
Available Assistance for Abuse Problems	24
Health Risk	25
Regulations around Alcohol at Swarthmore	28
Alcohol and Drug Amnesty Policy	28
College Disciplinary Sanctions	29
Local, State & Federal Legal Sanctions	30
Events and Parties	37
Substance Free Activities & Education	41

SEXUAL ASSAULT AND HARASSMENT POLICY	43
Sexual Assault and Harassment Policy	43
Notice of Nondiscrimination	44
Statement Regarding Privacy	45
Prohibited Conduct and Definitions	46
Role of the Title IX Coordinator	53
Resources	54
Title IX Coordinators and Deputy Coordinators	58
Procedures for Resolution of Complaints Against Students	67
Procedures for Resolution of Complaints Against Staff, Instructional Staff, Including Faculty	88
SEX OFFENDER REGISTRY AND ACCESS TO RELATED MATERIAL	101
ANNUAL DISCLOSURE OF CRIME STATISTICS	101
Definitions of Clery Act Crimes	101
PA State Law - Jurisdictional Definitions of Domestic Violence, Dating Violence, Sexual Assault and Stalking	103
Unfounded Crimes	108
Crime Statistics	109
MONITORING/RECORDING CRIMINAL ACTIVITY AT NON-CAMPSU LOCATIONS	113
ANNUAL FIRE SAFETY REPORT	113
General Statement of College-Owned Student Housing Fire Safety Systems	113
Fire Log	115
Training	115
Specific Fire Prevention Related Policies	115
Fire Reporting, Drills and Evacuation Response	115
Fire Prevention and Related Policies	115
Fire, Fire Safety Equipment and Alarms	115
Fire and Safety Rules	116
Prohibited Items	116
Fire Safety Protection Systems	118
Fire Safety Statistics	119
CLERY GEOGRAPHICAL MAP	120
GARNET TOWER/BLUE LIGHT PHONE LOCATION MAP	121

MESSAGE FROM THE PRESIDENT

Dear Swarthmore College Community Members,

I urge you to read carefully this annual security report, which includes information on campus safety measures as well as statistics on crime at the College and in the larger Swarthmore community. This kind of information helps us understand our environment better so that we can be more vigilant in fulfilling the responsibility to care for and protect one another.



All of us who are part of this community—students, faculty, and staff—have different responsibilities associated with our respective roles here. But it is *everyone's* job to help ensure that our community is safe and secure.

A safe and secure community is one in which we all feel free to be who we are and to express what we think, feel, and believe. All of us must also do our part to keep others safe from the dangers of physical harm.

I know that we are united in our desire for our campus to be a safe place for people to visit, to teach, to learn, to work, and to live. Reading this report will help all of us make Swarthmore an even safer living and learning environment.

Sincerely,

Val Smith

MESSAGE FROM THE DIRECTOR OF PUBLIC SAFETY

In compliance with Pennsylvania's 1988 "College and University Security Information Act," the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, the Campus Fire Safety Right To Know Act, and the 2013 Violence Against Women Reauthorization Act (VAWA), Swarthmore College provides the following information for your use. Before continuing on, it is important to point out that Swarthmore College is an open campus and we welcome visitors. Crimes exist in our society at large and, while the College has a variety of crime prevention programs and services, we count on every member of our community to be aware of their surroundings. Safety is a shared responsibility that lies with each of us. Students, faculty, and staff working together can be a formidable opposition to criminals and to help the members of our community. We strongly encourage everyone to promptly report all criminal activity and suspicious persons. We also recommend you avail yourself of the numerous existing programs and services to enhance your safety and awareness, here and abroad. We are here to serve our community and welcome your questions, comments, and suggestions.

Michael J. Hill
Director of Public Safety

ANNUAL SECURITY REPORT

About Swarthmore College

Swarthmore College is a coeducational institution founded in 1864 by members of the Religious Society of Friends. It occupies approximately 425 acres of privately owned land predominantly in the borough of Swarthmore in Delaware County, Pennsylvania. There are approximately 1,647 undergraduate students enrolled for the 2018-2019 academic year with approximately 95% occupying College housing. There are 1016 non-student personnel employed on campus in a full-time capacity.

Preparation of the Annual Security Report and Disclosure of Crime Statistics

The Department of Public Safety publishes this report based on information maintained in its records, as well as information collected from local law enforcement, various individuals and departments at the College, such as the Title IX Coordinator, Deans Office, CSA's, or on-line reporting. Every effort is made to build a close working relationship with students, staff and faculty to ensure they submit statistical information about criminal activity. There is also an on-line form, located on the Department of Public Safety web site that individuals may choose to use to report incidents. The data is then entered in the College's daily crime log and used in the annual statistical report. Each year, no later than October 1st, the Department of Public Safety provides to all enrolled students, faculty and staff an e-mail notification with the website address to access the annual report and campus crime statistics. Additionally, a postcard is placed in every student mail box and cards are provided to Admissions and Human Resources. Copies of the report may also be obtained from the Department of Public Safety office located on campus in the Benjamin West House or by calling (610-328-8281). All prospective employees may obtain a copy from Human

Resources located in 101 South Chester Road, first floor, or by calling 610-328-8397. The College Admissions Office will provide paper copies of these reports on request. The report's web site address is also incorporated into the current employee application software program and the Admissions Office application process.

REPORTING CRIMES AND OTHER EMERGENCIES

Swarthmore College encourages all campus community members and visitors to campus to report all crimes and suspicious conditions in a timely manner by calling Public Safety at **(610) 328-8333** for emergencies and **(610) 328-8281** for non-emergencies. Community members may also contact Swarthmore Borough Police Department to report criminal activity at 610-543-0123. Telephone calls into Public Safety are recorded for documentation and investigative purposes. Communications Officers are on duty at these phone numbers 24 hours a day every day of the year. The Department of Public Safety, located at the Benjamin West House, is also open 24/7 for one to report a crime (or other concerns) in person. Outside blue light and courtesy telephones on campus connect immediately to Public Safety by pushing the “Emergency” button. Dialing #911 from any campus phone will summon emergency assistance from Swarthmore Borough Fire or Police Departments. In response to a report, the Department of Public Safety will take the required action, dispatching an officer(s) to the scene or informing the caller of the methods to file a report.

Officers detail significant campus incidents in a report that is typically forwarded to the V.P. and Dean of Students, the V.P. of Finance and Administration, and the A.V.P. for Sustainable Facilities Operation and Capital Planning. Other College entities, as well as local law enforcement and fire officials, may also be informed when it is deemed to be appropriate. Public Safety investigators, who often work in concert with local and county law enforcement whenever circumstances warrant their involvement, are responsible for conducting follow-up investigation of specific incidents, when needed. We highly encourage the prompt reporting of all criminal offenses to aid in the College’s decision to issue emergency notifications or timely warnings,—as required and for the annual crime statistics compilation and disclosure.

It is the policy of Swarthmore College to encourage prompt and accurate reporting of crimes either directly to Public Safety, Swarthmore Borough Police, or to one of the College Deans. This reporting policy is incorporated into new student and new employee orientation presentations, annual Resident Assistant training, and various College publications including the Student Handbook. The Department of Public Safety, through its various programs, including Public Safety Advisory Committee (PSAC), Swarthmore Working Activities Table Talk (SWATT), Open Houses, and regularly delivers crime reporting advocacy information to the community. The SWAT Team, Diversity Peer Advisors (DPA) and Student Academic Mentors (SAM) are trained and charged with providing students information regarding crime reporting options.

While the College encourages all campus community members to promptly report all crimes and other emergencies directly to the Public Safety or law enforcement agencies when the victim of a crime elects to or is unable to make such a report as a result of physical or mental incapacitation, we also recognize that some may prefer to report to other individuals or College offices. The Clery Act recognizes certain College officials and offices as “Campus Security Authorities (CSA).” The Act defines these individuals as any “official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings. An official is defined as any person who has the authority and

the duty to take action or respond to particular issues on behalf of the institution.” A list of Campus Security Authorities is available on the Department of Public Safety’s website.

Voluntary, Confidential Reporting

If crimes are never reported, little can be done to help other members of the community from also being victims. We encourage Swarthmore College community members to report crimes promptly and to participate in and support crime prevention efforts. Swarthmore College community will be much safer when all community members participate in safety and security initiatives.

If you are the victim of a crime or want to report a crime you are aware of, but do not want to pursue action within Swarthmore College or criminal justice system, we ask that you consider filing a voluntary, confidential report. Depending upon the circumstances of the crime you are reporting, you may be able to file a report while maintaining your confidentiality. The purpose of a confidential report is to comply with your wish to keep your personally identifying information confidential, while taking steps to ensure your safety and the safety of others. Confidential reports allow Swarthmore College to compile accurate records on the number and types of incidents occurring on campus. Reports filed in this manner are counted and disclosed in the Annual Fire Safety and Security Report. In limited circumstances, the Department may not be able to assure confidentiality and will inform you in those cases. Anyone may complete the [Public Safety Reporting Form](http://cm.maxient.com/reportingform.php?SwarthmoreCollege&layout_id=1) at:
cm.maxient.com/reportingform.php?SwarthmoreCollege&layout_id=1

BEFORE YOU BEGIN: If this is an emergency that requires immediate attention, please contact Public Safety at 610-328-8333 or by dialing 911 prior to filling out the online form.

The College has also partnered with Compliance Line Inc, which is an external agency, to provide an opportunity for completely anonymous reporting at 1-866-292-7713. All reports of sexual misconduct will go to the Title IX coordinator or designee for review and appropriate response and action. The Title IX coordinator or their designee will respond to all reports submitted. Where there is sufficient information, the College will ensure that third party reports are reviewed and included for compliance with the Clery Act.

Voluntary, Third Party Reporting

The College does have anonymous resources available. To the extent possible, privacy and anonymity are considered and reasonably verified reports are included in the crime statistics. If you are the victim of a crime and do not want to pursue action within the College system or the criminal justice system, you may still want to consider making an anonymous report. The purpose of the anonymous report is to comply with your wish to keep the matter as private as possible, while taking steps to ensure the future safety of yourself and others. With such information, the College can keep an accurate record of the number of incidents involving students, faculty, staff and visitors; determine where there is a pattern of crime with regard to a particular location, method, or assailant; and alert the campus community of potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution.

The College encourages students, faculty and staff who have witnessed a crime or have been victimized by a crime to report the event to Public Safety or local law enforcement. In the event that a community member does not choose to meet with the aforementioned individuals, one may also make a report anonymously, with the exception of those persons or groups who have been identified as a Campus Security Authority,

Any individual may make a report concerning an act of sexual misconduct. An individual may report the incident without disclosing or identifying parties involved. Depending on the level of information available about the incident or the individuals involved, third party reporting may impact the College's ability to respond or take further action.

In cases involving sexual assault or violence, the Director of Public Safety or a designee of the Department of Public Safety will file a report on the details of the incident and only share your identity with the Title IX coordinator. Individuals may contact the Title IX or Deputy Title IX coordinators directly to report information.

Pastoral and Professional Counselors

In accordance with the Clery Act, pastoral counselors who are associated with a religious order or denomination and are recognized by that religious order or denomination as someone who provides confidential counseling, and are functioning within the scope of that recognition as a pastoral counselor, are not considered Campus Security Authorities when they are acting in that role. This also applies to professional counselors, whose official responsibilities include providing mental health counseling to members of the institution's community and who are functioning within the scope of his or her professional responsibility and who are appropriately credentialed. As a matter of policy, the College encourages pastoral and professional counselors to notify those whom they are counseling of the anonymous reporting options available to them. On an annual basis notification is sent to pastoral and professional counselors to remind them of the policy.

ABOUT THE DEPARTMENT OF PUBLIC SAFETY

Role, Training, Authority, and Jurisdiction

The Department of Public Safety is primarily responsible for the overall security of the campus. Its mission is to "create an atmosphere where department members interact with other community members and organizations providing a prompt, professional, presence. In doing so, we will remain aware of and responsive to the diverse community in which we serve while justly enforcing the rules and regulations of the Swarthmore College community and the Commonwealth of Pennsylvania." The Department of Public Safety is comprised of a Director, two Associate Directors, one sergeant, four Corporals, ten full time and five part-time patrol/communication officers. Patrol officers undergo a background check, psychological screening, and physical examination, as part of the PA Act 235 certification.

Public Safety officers enforce college policies and regulations. Current certification in cardiopulmonary resuscitation, obstructed airway, standard first aid and automatic external defibrillators is minimally required of all patrol officers. Some officers have advanced medical certifications. Ongoing training is provided for all full time officers. Public Safety officers are non-sworn and not authorized to make an arrest. However, officers are authorized to detain

individuals until such time as local law enforcement arrives to affect an arrest if appropriate. Public Safety officers have received a variety of training and certifications, such as, Verbal Judo, Cultural Diversity, NARCAN, Stop the Bleed, Nonviolent Crisis Intervention, Implicit Bias, ASIS Private Security Officer Course, PA Act 235, and PA Act 120.

The main campus is roughly bordered by Elm Avenue to the north, Chester Road to the east, Harvard Avenue to the south and Crum Creek to the west. Cunningham athletic fields to the east of Chester Road and a wooded area east of Crum Creek in Nether Providence Township are the most notable exceptions. For additional jurisdiction and patrol area please see the Clery Boundary map on page 113. When a Swarthmore College student is involved in an off-campus offense, Public Safety officers may assist with the investigation in cooperation with local, county, state, or federal law enforcement agencies. The College does not have any officially recognized student organizations that operate off-campus or that have off-campus housing facilities; however, some students, faculty, and staff live in nearby neighborhoods, most notably in Swarthmore Borough. While Swarthmore Borough police have primary jurisdiction in this area, College Public Safety officers often respond to student-related incidents that occur in close proximity to campus. The Public Safety Communications Center monitors local police, fire, and ambulance calls and has direct radio communications with them to facilitate a prompt response in emergency situations.

Swarthmore College is considered private property and trespassers are escorted off campus or arrested by local police. Signs are posted on all College buildings so as to restrict all but students, faculty, staff, and invited guests. These facilities are locked on a flexible schedule dictated by the College calendar. During low-occupancy periods such as holidays and vacation periods students are reminded by email from the Dean's Office that they should pay extra attention to security concerns.

The Department of Public Safety maintains a 24-hour communications center. Trained staff members perform a variety of tasks including operating the College's telephone console and dispatching calls over the mobile radio system. Criminal incidents and other emergencies can be reported directly by dialing extension 8333 (610-328-8333) from any college telephone. Non-emergency matters should be reported on extension 8281 (610-328-8281). These numbers are prominently listed on the College website and included on printed department publications and correspondence. Public Safety officers are always dispatched first to any campus incident. Depending on the information gathered at the scene, or in some cases from information received by the Department's Communication Officer, the senior patrol officer may request assistance from the Swarthmore Borough fire, ambulance, and/or police departments. Public Safety officers will also summon assistance from other Swarthmore College departments and/or local, county, state, or federal agencies should the nature and scope of the incident indicate the need to do so.

Working Relationship with Local, State, and Federal Law Enforcement Agencies

The Department of Public Safety and the Swarthmore Police Department have an excellent working relationship. While Public Safety officers are non-sworn, when deemed appropriate the Department of Public Safety will jointly investigate misdemeanor and felony crimes occurring on campus with the Swarthmore Police Department or other outside agencies. Swarthmore College Department of Public Safety and Swarthmore Borough Police have a formal memorandum of understanding (MOU) relating to this practice and general response protocols. In addition to the MOU the Department of Public Safety, other College representatives, Swarthmore Police

Department, and Borough officials meet regularly to discuss safety issues and work collaboratively. Pennsylvania State Police and/or the Delaware County Criminal Investigation Unit may assist in serious campus investigations. The Department of Public Safety typically plays a supportive role in these instances.

SECURITY OF AND ACCESS TO CAMPUS FACILITIES

Swarthmore is primarily a residential college that recognizes that the close association of students and instructors is an important element in education. Most students live in college residence halls. Single, double, and group rooms are available. There are no graduate or married housing accommodations. Many members of the faculty and staff live on or near the campus and are readily accessible to students.

Residence halls always remain locked 24/7. Automatic locks on outside residence hall doors are supplemented by posted warnings that these facilities are private property and access is restricted. Student's room doors are individually keyed. Cores are changed in response to any significant security breach such as a stolen room key. Public Safety officers conduct regular interior and exterior patrols of the College property. Resident Assistants are selected and trained to serve in all residence halls and have on-site responsibility for security, fire protection, and general safety. Outside lighting assessments are conducted periodically and enhancements are routinely made with input from Student Council representatives, Facilities Management, Public Safety, and other interested individuals. Similar attention is directed toward vegetation as it relates to security concerns. Public Safety works closely with Facilities Services and Information Technology to ensure proper functionality of all outside telephones that ring directly to Public Safety.

The Department of Public Safety immediately notifies the V.P. for Finance and Administration and the V.P. and Dean of Students (or their designee) in the event of any serious incident involving a student. The Dean may mobilize any number of support options for victims of a crime. **The Worth Health Center (x8058) and CAPS (Counseling and Psychological Services (x8059) provides service 24 hours a day,** the Title IX Office (610-690-3720), and Tier 1 and 2 On-call Dean, Residential Community Coordinators, or Resident Assistants available on-campus options. Delaware County Women Organized Against Rape (DELCOWAR) maintains active chapters near Swarthmore and a 24-hour hot line (610-566-4342). An up-to-date listing of local therapists including clinical psychologists, social workers, and psychiatrists in private practice is available in the Health Center on request. College employees may utilize a free, confidential Employee Assistance Program (Carebridge) that provides professional counseling to cope with a variety of issues. They can be contacted 24 hours a day by calling 1-800-437-0911.

Significant criminal incidents and suspicious activity are reported to Swarthmore Borough Police. This information is exchanged with the Swarthmore Police during weekly/monthly conversations and at the Swarthmore Community Activity Meeting that includes members from Swarthmore College, the Swarthmore Police Department and Borough Council members. Similarly, criminal events occurring in Swarthmore Borough that could impact the College community are communicated to the Department of Public Safety. Campus crime statistics are reported monthly to the Pennsylvania State Police as mandated under the Pennsylvania Uniform Crime Reporting Program.

The College community is kept apprised of security matters in a number of ways. Serious incidents that are listed as Clery crimes and pose an immediate or ongoing threat to the health and safety of the campus community are distributed by text, email, voicemail, public address and in flyer form, known as Timely Warnings. Other incidents that do not pose an immediate or ongoing threat but would be sent out for community members situational awareness are distributed as Awareness Bulletins, and may be emailed or are promptly posted in residence halls, libraries, dining areas and other key locations throughout the campus for a minimum of three business days. Information is also sent via email to all faculty, staff, and students if warranted. The Office of Communications works closely with the local news media when any significant event affecting the larger community transpires. The Daily Crime Log, which is a summary of criminal incidents and events that take place on campus and within a reasonably contiguous geography to campus, is also distributed to particular administrators and shared with the student media.

TIMELY WARNING NOTIFICATIONS

The purpose of this policy is to outline procedures that Swarthmore College will use to issue Timely Warnings in compliance with the Clery Act.

The College will issue a Timely Warning Notice in the event that it receives notice of an alleged Clery Crime (defined below) occurring on campus, on public property within or immediately adjacent to the campus, or in or on non-campus buildings or property controlled by the College, where the College determines, in its judgment, that the allegations present a serious or continuing threat to the College community. For purposes of this policy, “timely” means as soon as reasonably practical after an incident has been reported to the Department of Public Safety or the Campus Security Authorities identified by Swarthmore College, or local police agencies that have concurrent jurisdiction have reported the information to the College. The Director of the Department of Public Safety, or, in his absence or unavailability, his designee, is responsible for determining whether to issue a Timely Warning Notice. If the Director or designee is not available, a member of the College’s emergency response contingent called the 24/7 Team will make the determination (See “Emergency Response” policy).

Whether to issue a Timely Warning Notice is determined on a case-by-case basis for Clery Act crimes: homicide, sex offenses (rape, fondling, incest and statutory rape), robbery, aggravated assault, burglary, motor vehicle theft, arson, domestic violence, dating violence, stalking and hate crimes, as defined by the Clery Act.¹ The Director of Public Safety and the 24/7 Team, or their designees may also issue a Timely Warning Notice for other crimes, as determined necessary.

In determining whether to issue a Timely Warning Notice the College will consider any factors reflecting on whether the alleged crime represents a serious or continuing threat to the College community, including, but not limited to, (a) the nature of the incident; (b) when and where the

¹ A hate crime is defined as: “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. [T]he categories of bias include the victim’s actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability

incident occurred; (c) when it was reported; (d) the continuing danger to the campus community; and (e) the amount of information known by the Department of Public Safety. If there is insufficient information available to determine whether the incident represents a continuing threat to the College community, the College will issue a Timely Warning Notice unless, based on the information available, it appears unlikely that there is an ongoing threat to the community, and it will be noted in the content of the Timely Warning Determination form that, based on the information available, the College does not have full information to evaluate the nature of the ongoing threat.

The Director of Public Safety will make efforts to consult with the Vice President of Communications and Secretary for the College or a designee, if s/he is available, to develop the content of the Timely Warning Notice. Time permitting, additional input may be garnered from additional members of the 24/7 Team, including the V.P. of Finance and Administration, V.P. of Human Resources, A.V.P. of Facilities and Services, and the V.P. and Dean of Students. The College's Title IX Coordinator or others may also be consulted in appropriate situations.

The reason why the College does or does not issue a Timely Warning Notice for any Clery Crime reported to the College will be documented on the Timely Warning Determination form and maintained by the Department of Public Safety for a minimum of seven years. A copy of the documentation will be attached to the written and electronic copies of the incident report.

The Timely Warning Notice will include, to the extent known, the date, time and nature of the offense, a brief overview of its particular circumstances, a physical description of the actor(s), law enforcement's immediate actions, a request and method for witnesses to contact law enforcement, and where applicable and appropriate, cautionary advice that would promote safety. In developing the content of the Timely Warning Notice, the College will take all reasonable efforts not to compromise ongoing law enforcement efforts.

The College distributes Timely Warning Notices in various ways. Once the College determines that an alert will be issued, the Department of Public Safety e-mails the announcement and may also post it on its website <http://www.swarthmore.edu/public-safety/public-timely-warning.xml>, as well as post notices on bulletin boards or doors throughout campus. The College may also send text messages disseminating the notice to those who register their cell phone numbers.

Anyone with information about a serious crime or incident should report the circumstances to the Department of Public Safety by phone at (610-328-8333) or in person at the Benjamin West House. If a report is made to other college administrators, those administrators will immediately notify the Department of Public Safety.

EMERGENCY RESPONSE AND EVACUATION PROCEDURES

Emergency Response Policy

In the event of a campus emergency, Swarthmore College follows guidelines set forth in its Crisis Communications Plan, which is an all hazards approach that also aligns with ICS (Incident Command System). The Department of Public Safety is typically the initial responder for emergencies on campus, with primary responsibility for assessing the nature, size, scope and activation of the 24/7 Team. Individuals may use a variety of notification methods to alert public safety to an emergency, such as phone, email, or in person. The overarching thrust of this plan is

to enable various College administrators to promptly and effectively alert and inform the community and the public when there is a clear and credible danger to the College community, without delay. On an annual basis the College notifies the Swarthmore Borough Police of their requirement to also communicate any incident that takes place in the borough that may warrant an emergency response. The plan coincides with the College's other safety and emergency plans that deal specifically with the operational implications of a crisis.

Drills, Exercises and Training

Evacuation procedures and related emergency information are detailed in the College's Emergency Response Guide that can be found online at <http://www.swarthmore.edu/public-safety/emergency-response-guide>. A standing College committee meets regularly, and among a variety of related tasks, reviews emergency response procedures and trains key staff in effective communications skills and protocols. This committee also assures that annual training exercises are conducted that both test and train community members in emergency response and evacuation procedures. Often these exercises are planned and executed with the assistance of an independent emergency response and safety consultant. Drills are designed to be as realistic as possible and involve a variety of constituents from the College and outside emergency responders. Publication of the College's procedures associated with these exercises may be obtained by contacting the Director of Public Safety and will be made in conjunction with notifications in advance of drills and exercises. At least one unannounced fire evacuation drill is held annually in academic buildings in addition to bi-annual drills in all residence halls. The test of the College emergency response/evacuation procedures is documented, including a brief description of the exercise, date, and time, as is required. Emergency response drills have been announced and fire evacuation drills are unannounced.

Emergency Notification

Confirming the Existence of a Significant Emergency or Dangerous Situation and Initiating the Emergency Notification System:

The Department of Public Safety is responsible for responding to all significant incidents that may involve an immediate or ongoing threat to the health and/or safety of the greater college community. It is also tasked with promptly summoning the appropriate resources to mitigate and investigate such incidents. Either on its own or with the input from these external agencies, (Swarthmore Police Department, Swarthmore Fire Department, Delaware County Emergency Management) the Department of Public Safety will determine if the situation does in fact pose a threat to the community. Should that be the case, federal law requires that the College immediately notify the campus community or the appropriate segments of the community that may be affected by the situation. The College communicates and works closely with local police, regularly requesting their cooperation in informing the College about reported situations that may warrant an emergency response. The 24/7 Team is comprised of the Vice President for Finance and Administration, the Vice President for Facilities, the Vice President for Human Resources, the V.P. and Dean of Students, the Director of Public Safety, the Vice President for Communications, and the Executive Assistant for Facilities, or their designees. Members of 24/7 take the initial lead in implementing the appropriate response plan, assessing the severity of the crisis, reviewing all available information, delegating responsibility where appropriate, and ensuring that the information needs of various constituencies are met.

Determining the Contents of the Emergency Notification

The Department of Public Safety, in the course of responding to an event, will gather and share with the community the necessary and pertinent information about incidents on campus that present an ongoing risk. The content of virtually every communication which notifies the College community of an emergency will include the specific nature and location of the event, actions being taken by the College, status of those involved (when known), actions one should take to help assure their own safety, and directions regarding where to find updates and additional information (as in “check e-mail for further details” or “For more information: <http://emergency.swarthmore.edu>”). The Executive Assistant to the V.P. of Facilities and the Department of Public Safety maintains a written record of actions and decisions for after-action assessment and archival purposes.

Determining the Appropriate Segment or Segments of the Campus Community to Receive an Emergency Notification

Swarthmore College Department of Public Safety, the 24/7 Team and/or local first responders on the scene of a critical incident or dangerous situation will assist those preparing the emergency notification with determining what segment or segments of the College community should receive the notification. Generally, campus community members in the immediate area of the dangerous situation (i.e. the building, adjacent buildings, or surrounding area) will receive the emergency notification first. The College may issue subsequent notifications to a wider group of community members. In addition to the emergency notification that may be issued via the LiveSafe notification system, the College will also post applicable messages about the dangerous condition on the College website to ensure the rest of the campus is aware of the situation and the steps they should take to maintain personal and campus safety. If the emergency affects a significant portion of the entire campus, College officials will distribute the notification to the entire campus community.

Procedures Used to Notify the Campus Community

Swarthmore College is committed to providing a safe environment for everyone on campus. The GARNET Safety System ensures that students, faculty, staff, and visitors receive timely information in the event of an emergency on campus. When an emergency or community safety threat is reported either, in person, via phone or on line report form, the on duty Public Safety supervisor will be advised and make an immediate notification to the community if there is an active threat and/or initiate the 24/7 Team, who will then coordinate with the Operations or Emergency Management Teams to determine appropriate steps and community notification.. The system is a combination of notification tools, such as text, emails, and a public address system, which are outlined below.

In order to assure that the larger campus community is promptly notified of a significant emergency or dangerous situation involving an immediate threat to the health and safety of students or staff, one or more of the following tools are used:

- LiveSafe - is an externally hosted service and can be used to notify students, faculty, staff and other groups en masse. Message delivery formats include cell phones, text messaging, e-mail, and text-telephone devices to contact persons with hearing or speech disabilities. Messages are normally initiated through a Web interface. This system is tested once every semester.

- InformaCast - is used to send out verbal communications over telephones in over 300 classrooms and residence halls. The system is used in, administrative, and residential hall spaces and can be sent as a broad message or focused for a specific building.
- Email - this alert function should be considered as no more than a supplement to all other alerting tools.
- Timely Warning Notices – issued through the Department of Public Safety and the Communications office, which, once aware of an immediate danger, decide on when and how to notify proper authorities and initiate communication required to safeguard the campus, including the use of any of the available alert mechanisms.
- Word of mouth – with nearly 90 percent of our student body living on campus and a manageable campus size, runners would be deployed door-to-door and/or to designated spaces on campus to post flyers and to spread the work directly.
- Fire alarms - alert people to an emergency and exist in every campus building. They work at all times of day, throughout the year, and can be building-specific.
- Emergency Hotline – dialing the emergency hotline will provide a recorded message that will be updated during an event.
- Website – the website is perhaps the best tool for keeping all of the College’s constituencies informed about a crisis in a detailed, ongoing, focused way. An emergency “space” on the front page of our website can be created and then utilized to display brief alert-announcements. These announcements also appear on the student, alumni, parent, and visitor dashboards on the Web. This emergency tool can also be used in the context of a more urgent circumstance.

Enrolling in the College’s Emergency Notification System

All members of the College community are reminded that, for the emergency notification system to be effective, contact information in the College’s databases should be up to date. To update emergency contact information first login to MySwarthmore at <https://myswat.swarthmore.edu/homepage.htm>, then select the link to “Update Crisis Communications (LiveSafe) Contact Information” from the “Personal Information Main Menu” item. At least twice a year you will be prompted to update your information when you log on to “MySwarthmore.”

These communications tools are implemented with the understanding that they are best used in combination with each other. The type of emergency or crisis ultimately drives which tools are used. The College will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate an emergency.

Procedures Used to Notify the Larger Campus Community

Swarthmore College is also committed to providing a safe environment for everyone in the larger campus community. In the event of an emergency or significant safety concern that would impact members of the larger Swarthmore community information would be shared via email and website

to alumna and families. Swarthmore Borough Police would also be contacted and notification would be made via the Delaware County emergency notification system, EverBridge.

CAMPUS SECURITY POLICIES, CRIME PREVENTION & SAFETY AWARENESS PROGRAMS

Swarthmore College is committed to providing a safe environment for everyone on campus. The GARNET Safety System is a combination of notification tools, such as text, emails, and a public address system. Additionally, the program includes other services, such as the GARNET shuttle, blue light phones and safety presentations. The GARNET Safety System also offers community members two Smart phone apps as a resource. Transloc, which allows students to download an app that will provide the shuttle location and arrival time to the next stop. LiveSafe provides a direct notification to Public Safety in the event of emergency.

The Department of Public Safety operates under the philosophy that it is preferable to prevent crime from occurring than to react to it after the fact. The principal instrument for accomplishing this goal is the College's Crime Prevention and Awareness program. It is based upon the dual concepts of eliminating or minimizing criminal opportunities whenever possible and educating community members to be responsible for their own security and the security of others. The following is a listing of the Crime Prevention and Awareness programs and projects employed by Swarthmore College.

Swarthmore College is committed to establishing and maintaining a community rich in equality and free from all forms of discrimination and harassment. The College seeks to create an environment in which the greatest holistic academic potential of students and professional potential of employees may be realized. In order to create and maintain such an inclusive climate, all who work and learn at the College are partners in the work of ensuring that the community is free from discrimination based on sex or gender, including sexual harassment, sexual assault, and other forms of sexual misconduct. These behaviors threaten our learning, living, and work environments and will not be tolerated.

In general, sexual misconduct is the broad term used to refer to all of the prohibited behaviors under this policy. Some of these prohibited forms of conduct may also be crimes under Pennsylvania law. Title IX of the Education Amendments of 1972 ("Title IX") is a federal civil-rights law that prohibits discrimination on the basis of sex in education programs and activities. All public and private elementary and secondary schools, school districts, colleges, and universities receiving any federal funds must comply with Title IX. Under Title IX, discrimination on the basis of sex can include sexual harassment, gender-based harassment, sexual violence, sexual assault, and other forms of sexual misconduct, including stalking and intimate partner violence.

Crime Prevention and Awareness Programming

- Swarthmore LiveSafe: A free smart phone app that Swarthmore College community members can download. When activated, the device contacts the Department of Public Safety and provides audio, video and a GPS location of the incident.
- Swarthmore College Garnet Shuttle Bus: A radio-equipped van transports students free of charge in and around the main campus during the evening and early morning hours during the

academic year. This van is also equipped with TransLoc, which allows students to download an app that will let them know the van location and estimated time of arrival to the next stop.

- **Tri-College Shuttle Bus:** Free transportation is provided to students traveling between Haverford, Bryn Mawr, and Swarthmore Colleges. This service is available from approximately 7:00 a.m. to 2:00 a.m. during the academic year.
- **Escort Service:** Officers escort students, faculty or staff after dark, upon request. These escorts increase the Department of Public Safety's awareness of community concerns and may influence the level of patrols along key walkways on campus. All community members are encouraged to report suspicious strangers or incidents.
- **Swat Team:** A team of well-trained students responsible for the safety monitoring and management of registered campus parties. Swat Team staff are trained in responsible alcohol service, bystander intervention, sexual assault prevention and event management. SWAT Team members collaborate with party host, Public Safety and the Office of Student Engagement to provide safe party spaces.
- **Crime Prevention Publicity:** Fire and Crime Prevention training is conducted with RAs during orientation and is available to other student groups on request.
- **Electronic Alarm Systems:** A proprietary electronic alarm system monitors a network of intrusion detection and duress alarm systems.
- **Security Surveys:** Comprehensive security surveys are available upon request.

Operation Identification: This community venture into property identification works to deter thefts and assist in the recovery of stolen items and is available upon requests. Any community member wishing to have electronic equipment, bicycles or other valuable items registered and engraved/decided may contact the Department of Public Safety to set up an appointment.

Safety Awareness/Education Programming

- **National Campus Safety Awareness Month (NCSAM):** Swarthmore College supports and participates in NCSAM with a variety of programming. The programs include, drug and alcohol; domestic abuse; healthy relationships. This program matches individual Public Safety Officers to each residence hall.
- **Public Safety Open House:** Once a semester the Department of Public Safety organizes an open house and invites both campus partners and off campus presenters to provide information and resources on topics such as sexual assault, stalking and intimate partner violence, which includes domestic violence and dating violence.
- **Employees are offered safety education and informed of reporting requirements upon hire during their initial orientation to Swarthmore College. Ongoing education is offered annually both in live sessions and online education. In 2013, Title IX and Clery trainings were offered during the annual Faculty/Staff Development Workshop Series. Every three years employees are required to complete online harassment education.**

- **Drug and Alcohol Awareness and Education:** The Alcohol and Other Drug Counselor and Educator works collaboratively on campus to provide holistic education and supportive resources around substance use and its effects. Programs include introductory information at New Student Orientation, weekly recovery meetings, confidential support and training for student groups like the Residential Assistants and the Swat Team.
- **RAD Training:** The Rape Aggression Defense System is a program of realistic, self-defense tactics and techniques. The RAD System is a comprehensive course designed for women that begins with awareness, prevention, risk reduction and avoidance, while progressing onto the basics of hands-on defense training. RAD is not a Martial Arts program. This course is open to all Swarthmore College students, staff or faculty, who identify as female. Certified RAD Instructors lead these programs. These courses are offered at least once a semester.
- **Prevention and Education for Domestic and Dating Violence, Sexual Assault and Stalking**

Annual Prevention and Education for Domestic and Dating Violence, Sexual Assault and Stalking

Sexual Misconduct Prevention Education:

Including Prevention of Sexual Assault, Sexual Harassment, Dating Violence, Domestic Violence, and Stalking

Swarthmore College takes a comprehensive and holistic approach to the prevention of sexual assault, domestic and dating violence, stalking and other forms of sexual misconduct (as described in detail in the Prohibited Conduct section of the Sexual Assault and Harassment Policy) for all students, faculty, and staff. The prevention education programs include annual training on our campus policies, state and federal laws, bystander intervention information, risk reduction strategies, and information on consent and healthy relationships. These prevention and education programs specifically include reference to the College's inclusion of dating violence, domestic violence, sexual assault, and stalking as prohibited behavior under the Sexual Assault and Harassment Policy..

New Swarthmore students (first year students and transfer students) take Campus Clarity's *Think About It* online course before they come to campus. This course, about substance abuse, sexual assault, domestic and dating violence, stalking and other forms of sexual misconduct, introduces relevant campus policies, state laws, bystander intervention, risk reduction, consent definitions, and healthy relationships education. The course also includes College name and contact information for reporting incidents, including the Title IX Coordinator and Public Safety.

In addition to the online course, new Swarthmore students also participate in an interactive 2 1/2 hour sexual violence prevention/healthy relationships education program. The program is presented by Swarthmore's sexual violence prevention educator and followed up with small group conversations facilitated by peer leaders. The presentation includes information on campus policies, state laws, bystander intervention, consent, healthy relationships, and risk reduction. Another presentation by professional staff about alcohol and other drugs also offers additional information on risk reduction.

All new faculty and staff take an online course on harassment prevention offered by United Educators EduRisk Learning Portal. This course explores various facets of workplace harassment prevention through multiple scenarios and clear explanations. Sexual assault, harassment, dating violence, domestic violence, and stalking are also covered in the course and they have customized the course to include links to the College's Sexual Assault and Harassment Policy and the Non-Discrimination Policy. The course also includes College name and contact information for reporting incidents, including the Title IX Coordinator and Public Safety.

Throughout the year, the Title IX Office sponsors ongoing and culturally relevant education and awareness programs for students, faculty, and staff, including additional training for staff providing intervention, adjudication, or support for anyone impacted by sexual violence, inclusive of dating violence, domestic violence, and stalking. The events are provided by the Title IX House in collaboration with other campus partners and trained student volunteers.

Programming includes:

- basic awareness events (to help the community understand the definitions and dynamics involved with sexual assault, dating or domestic violence, stalking and other forms of sexual misconduct)
- healthy relationships education (including consent training, comprehensive sexuality education, communication and relationship skill building)
- bystander intervention (including specific training on safe party hosting and the 4 d's of bystander intervention: direct, distract, delegate, delay)
- risk-reduction training (including training on safe drinking, alcohol awareness, Rape Aggression Defense courses, and general safety tips)
- culture change programs (including bystander intervention campaigns and skill building, and culture change initiatives)
- support for all impacted by sexual violence (including support and referral resources for victims of sexual assault, dating or domestic violence, stalking and other forms of sexual misconduct, and other members of the community impacted, including friends and community members) The Title IX Office also offers ongoing training to all faculty and staff on campus policies, required reporting protocol, and resources available on and off campus. The complete list of programs is listed below.

Sexual Violence Prevention & Healthy Relationships Education		
<i>These educational activities are designed to promote safety, healthy relationships, and to educate the community about recognizing and preventing sexual violence.</i>		
<ul style="list-style-type: none"> ● Speaker: Sonalee Rashatwar – sexuality, fatphobia and colonialism ● First year orientation: sexuality, sexual violence and Title IX ● Online training for all new students through Campus Clarity, followed by an in-person orientation presentation and small group discussion ● Trail to wellness ● Home for the Holidays: a support discussion ● National Condom Week ● Sex Toy Bingo ● The Messy Desk – An interactive workshop on how trauma affects the brain ● Men and Intimate Partner Violence ● Sex Ed – Office Hours 	<ul style="list-style-type: none"> ● Annual training for international students and semesterly training for students studying abroad ● Annual campus-wide email notification of Sexual Assault and Harassment Policy, including definitions of sexual harassment, sexual assault, domestic violence, dating violence, stalking, consent, resources, and reporting options ● Men and Masculinity events ● Ongoing survivor support groups and restorative care workshops provided throughout the year ● Bystander intervention training offered throughout the year ● Domestic Violence Awareness Month tabling events ● Mindfulness & Sexuality Workshop 	<ul style="list-style-type: none"> ● SAVE (Survivor Advocacy Anti-Violence Education) and RAD (Rape Aggression Defense) trainings offered each semester ● Ongoing policy and practice discussions with Title IX Student Advisory Team and Student Title IX Liaison Team ● Campus distribution of resource materials outlining resources and reporting options, including developed Title IX <i>How We Can Help</i> brochure ● Sexual violence prevention program for campus fraternities called the <i>Fraternity Mentorship Program</i> ● Newly produced <i>It's On Us</i> video featuring Swarthmore students and administration ● Sexual Assault Awareness Month activities
Policy, Resources, and Ongoing Training for Employees		Ongoing Education for Title IX Team & Related Staff
<i>These trainings provide all faculty and staff with information about campus policies, resources, and reporting requirements.</i>		<i>Ongoing professional development for staff who assist with responding to, investigating, or adjudicating reports and complaints related to the SAHP.</i>
<ul style="list-style-type: none"> ● Online training for all new employees, provided by United Educators EduRisk Learning Portal on harassment, sexual violence, and resources. Existing employees required to retake program every 3 years ● New employee orientation offered several times throughout the year ● Annual New faculty training ● Annual New faculty chairs meeting ● New faculty lunch meeting, to follow up on campus resources, support, and reporting obligations ● Annual Training for Dean's Division staff on Policy, response, and student support protocols ● Annual Training for all CSA and responsible employee student employees on Policy, resources, and reporting obligations ● Title IX Info Sessions for academic departments on Title IX policies, requirements and responsibilities 		<ul style="list-style-type: none"> ● Annual Training for investigators, case managers, adjudicators ● Webinars on the Protection of Victims of Sexual Violence or Intimidation Act, interpersonal violence prevention online, how to talk with parents about child sexual abuse, Title IX investigations, and university travel and Title IX, Clery Act, and VAWA compliance ● Ongoing Training at national conferences, including ACPA, NASPA, New York State Sexual Violence Conference and ATIXA/SCOPE Conference on sexual violence response and prevention ● Ongoing review of Policy and procedures ● Annual Training for confidential resources including health center, religious advisors, counseling and psychological resources, including health services staff

In FY 2019-2020 There are several programs that are planned, for example Voices of Healing, Supporting Survivors: A Skills Based Workshop, You To, Me To Postcard Writing event, Sex and Alcohol, and Hook Ups to Break Ups: When Good Relationships Turn Bad.

Missing Person Notification Policy and Procedures

It is the policy of the Swarthmore College Department of Public Safety to thoroughly investigate all reports of missing persons. Additionally, the College holds that every person reported missing will be considered at risk until significant information to the contrary is confirmed. All reports of missing persons must immediately be directed to the Department of Public Safety by calling extension 8281 (Off Campus: 610-328-8281) or made in person at the Benjamin West House on campus. Reports of missing students received by other College departments are to be promptly forwarded to the Department of Public Safety and/or Swarthmore Police Department. It is the policy of this department to support and assist missing person investigations originating outside our jurisdiction. It should also be noted that there is no required waiting period for reporting a missing person. A person may be declared “missing” when his, her or their whereabouts are unknown and unexplainable for a period of time, typically 24 hours or sooner, especially if it is regarded by knowledgeable persons as highly unusual or suspicious in consideration of the subject’s behavior patterns, plans, or routines.

The purpose of this policy is to establish procedures to be followed if a missing person complaint is made to the Department of Public Safety office. If a complaint is made to this office, Public Safety staff will follow the steps listed below:

- Person receiving the complaint will immediately dispatch a Public Safety officer to the location of the complaint. In addition, make appropriate notification to the V.P. and V.P. and Dean of Students (or their designee).
- The responding officer will gather all essential information about the person (description, clothes last worn, where subject might be, with whom they might be, vehicle description, etc.) And every effort will be made to make contact directly with the student or their designated confidential contact(s).
- An up to date photograph may also be obtained to aid in the search.
- The responding officer will also gather information about the physical and mental wellbeing of the individual.
- Appropriate campus staff will be notified to aid in the search for the individual. A quick but thorough search will be conducted in all campus buildings, grounds, and parking lots.
- Class schedules will be obtained and a search of appropriate classrooms will be conducted.
- The V.P. for Finance and Administration and V.P. and Dean of Students (or designee) will be promptly notified and is responsible for communicating with the family or relatives of the missing person.

If the above actions are unsuccessful in locating the person or it is apparent from the beginning that the person is actually missing (i.e. call from parents, guardians), the investigation will be

turned over to the appropriate local law enforcement agency. This will take place as soon as practical but never later than 24 hours from the initial report. At this time, the local law enforcement agency becomes the authority in charge and the Department of Public Safety will assist them in any way necessary.

In accordance with the Higher Education Act of 2008, all students may register a confidential contact with the College. Access to this information is restricted to authorized campus officials and law enforcement officers actively involved in the furtherance of a missing person investigation. The confidential contact does not have to be a parent of a student. This is the individual who will be contacted by Public Safety or another police department within 24 hours of the determination that the student is reported missing. This individual will also be updated as to the progress of the investigation. In the event a student is under 18 years of age, and has not been legally emancipated, the student's parents or guardian will also be contacted within 24 hours of the determination that the student is reported missing. Please note that the local police department will be notified even if a student has not registered a confidential contact. Students are encouraged to register an individual as a confidential contact and may do so by logging into MySwarthmore, <https://myswat.swarthmore.edu>, on the Swarthmore College website.

Daily Crime and Fire Safety Log

The Department of Public Safety maintains a Daily Crime and Fire Safety log in accordance with state and federal laws. The log is available for public inspection during normal business hours and, in the order received, includes the nature, date, time and general location of each crime, as well as fire safety incidents reported to the Department of Public Safety. It also includes the names and addresses of persons arrested and charged and the charges filed against those persons. The disposition of the event is included when and if reasonably available. The names of victims are excluded, and where the investigation of a crime, safety of an individual may be compromised, or when information might directly or indirectly identify a victim, the department may temporarily withhold information. Generally, all incidents are included in the log within two business days from when they are reported.

Disclosure to Victims of Crimes of Violence

The College will, upon written request, disclose to the alleged victim of a crime of violence (as that term is defined in Section 16 of Title 18, United States code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim.

Proceeding means all activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact-finding investigations, formal or informal meetings, and hearings. *Proceeding* does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.

Result means any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanctions imposed by the institution.

Drug-Free Schools and Communities Act and Drug and Alcohol Abuse Prevention Program (DAAPP) Alcohol and Other Drugs Policies

The unlawful possession, use, purchase, or distribution of alcohol on College property or as part of any College activity is prohibited and subject to College sanctions as well as local, state and federal penalties. The unlawful possession, use, purchase, or distribution of illicit drugs, controlled substances (including stimulants, depressants, narcotics, or hallucinogenic drugs), or paraphernalia—or the misuse of prescription drugs, including sharing, procuring, buying, or using in a manner different from the prescribed use, or by someone other than the person for whom it was prescribed—is prohibited on College property or as part of any College activity and subject to College sanctions as well as local, state and federal penalties.

Philosophy. The overarching priority of the College with respect to alcohol and drugs is to help ensure the safety and well-being of Swarthmore students and comply with all applicable laws. The College is committed to providing guidance so that students can learn to develop a responsible approach to social challenges, including whether to consume alcohol, how to do so in moderation, and how to comply with local, state, and federal laws governing alcohol consumption.

The College believes that everyone has the right to work and study in an environment free from the effects of substance abuse and that those individuals who abuse alcohol and other drugs are a danger to themselves and others.

Objectives. The objectives of these policies reflect the College’s desire to create an intentional community based on principles of respect for oneself and others.

The Alcohol and Other Drugs Policy has several objectives:

- to promote the safety and well-being of the Swarthmore community and its members;
- to maintain a safe campus, where students can enjoy their social lives amid a comfortable and coercion-free atmosphere;
- to provide information about alcohol and other drugs so that students can make responsible, healthy choices;
- to provide confidential support for community members seeking treatment for alcohol- and/or drug-related problems; and
- to be in compliance with federal statutes, Pennsylvania laws, and borough ordinances that regulate the consumption of alcohol.

Available Assistance for Abuse Problems

Alcohol and drugs can interfere with academics, friendships, jobs, family, and, most importantly, one’s health, as well as create legal problems including warnings, citations, arrest, and jail.

A variety of resources exist for drug or alcohol counseling, treatment, or rehabilitation programs. For detailed information concerning these College and/or community resources, staff and faculty should contact the offices listed below or contact their supervisor.

Faculty

- Provost's Office : 610-328-8319

Staff

- Human Resources: 610-328-8398
- Employee Assistance Program (for faculty and staff only): 800-437-0911

Students

- Dean's Office: 610-328-8365
- Worth Health Center: 610-328-8058
- Counseling and Psychological Services: 610-328-8059

Community Resources

- Alcohol & Drug Referral Hotline: 800-Alcohol (800-252-6465)
- Alcoholics Anonymous Central Office: 215-923-7900
- Cocaine Anonymous: 866-777-0983 (www.ca.org)
- Crozer-Chester Medical Center: 610-497-7200
- Narcotics Anonymous: 610-534-9510

The College's Alcohol and Other Drug Counselor and Educator and Human Resources provides mandatory training to educate students and employees about the ramifications of drug and alcohol use and to help students and employees identify substance-abuse problems in themselves and their friends. Alcohol and drugs can interfere with academics, friendships, jobs, family, and, most importantly, one's health, as well as create legal problems including warnings, citations, arrest, and jail.

Students needing help responding to alcohol or drug problems are encouraged to speak with Josh Ellow, Alcohol and Other Drugs Counselor Educator and/or other Student Health and Wellness Center personnel, Counseling & Psychological Services (CAPS) counselors, deans division staff, and/or residential community coordinator (RCCs). These professionals can help review the situation and make referrals to outside agencies or inside resources that respond to alcohol and drug abuse.

Drug and alcohol problems are treatable. Most often, an individual responds to tailored treatments that assist in cessation and relapse prevention. Treatments should acknowledge the medical, psychological, interpersonal, and societal aspects of an individual and their families.

Accordingly, evidenced-based treatments have been established since the 1970's and have been infused into the following treatment settings:

- **Outpatient Counseling:** Typically offer 1-2 hours of support per week through a licensed mental health clinician;
- **Intensive Outpatient Counseling:** Typically requires 9 hours of support per week over 3 or more days;
- **Inpatient Care:** Typically residential treatment offering biomedical, psychiatric, and clinical care along with psycho-educational components;
- **Detox Services:** Provide medication-based support for physiological dependence (i.e., Benzodiazepines and alcohol withdrawal) and typically require inpatient admission for 4 days;
- **Medication Assisted Treatment:** May require daily program attendance for medication, or may allow for 1 medication check-up per month. Typically used for detox or maintenance for physiological dependence (i.e., Opioid dependence); and/or
- **Peer Support:** Typically offer recommendations through group meetings and may provide daily or weekly offerings based on location (i.e., 12-step meetings, SMART recovery, etc.).

HEALTH RISKS

All drugs, including alcohol, can cause marked changes in behavior and have side effects. Their influences can affect the safety and well-being of the users as well as those around them.

Alcohol is a central nervous system depressant that is absorbed into the blood stream and transmitted to all parts of the body. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that a driver will be involved in an accident. Low to moderate doses reduce physical coordination and mental alertness, while increasing the incidence of aggressive behavior. Moderate to high doses of alcohol drastically impair an individual's ability to function, sometimes rendering them unconscious. Long-term drinking of large quantities of alcohol can increase the risk of developing liver and heart disease, circulatory and stomach problems, various forms of cancer, and may cause irreversible brain damage.

Illicit drugs can interfere with important brain activities, including coordination, memory, and learning. They increase the risk of lung cancer, destroy liver cells, initiate severe weight loss, and may weaken the immune system. Users may also experience abdominal pain, nausea, vomiting, rapid heartbeat, and irregular breathing. Convulsions, coma, and death are also possible. Combining drugs can be fatal (i.e., two central nervous systems depressants; alcohol and benzodiazepines, alcohol and opioids, etc)

Substances: Category and Name	Examples of Commercial and Street Names	DEA Schedule/ How Administered**	Acute Effects/Health Risks
Tobacco			
Nicotine	Found in cigarettes, cigars, bids, and smokeless tobacco (snuff, spit tobacco, chew)	Not scheduled/smoked, snorted, chewed	Increased blood pressure and heart rate; chronic lung disease; cardiovascular disease; stroke; cancers of the mouth, pharynx, larynx, esophagus, stomach, pancreas, cervix, kidney, bladder; and acute myeloid leukemia; adverse pregnancy outcomes; addiction
Alcohol			
Alcohol (ethyl alcohol)	Found in liquor, beer, and wine	Not scheduled/swallowed	In low doses, euphoria, mild stimulation, relaxation, lowered inhibitions; in higher doses, drowsiness, slurred speech, nausea, emotional volatility, loss of coordination, visual distortions, impaired memory, sexual dysfunction, loss of consciousness/increased risk of injuries, violence, fetal damage (in pregnant women), depression; neurologic deficits; hypertension; liver and heart disease; addiction; fatal overdose
Cannabinoids			
Marijuana	Blunt, dope, ganja, grass, herb, joint, bud, Mary Jane, pot, reefer, green, trees, smoke, sinsemilla, skunk, weed	Unscheduled, swallowed	Euphoria; relaxation; slowed reaction time; distorted sensory perception; impaired balance and coordination; increased heart rate and appetite; impaired learning, memory; anxiety; panic attacks; psychosis/cough; frequent respiratory infections; possible mental health decline; addiction
Hashish	Boom, gangster, hash, hash oil, hemp	Unscheduled, swallowed	
Opioids			
Heroin	Diacetylmorphine: smack, horse, brown sugar, dope, H, junk, skag, skunk, white horse, China white; cheese (with OTC cold medicine and antihistamine)	Unscheduled, smoked, snorted	Euphoric; drowsiness; impaired coordination; dizziness; confusion; nausea; sedation; feeling of heaviness in the body; slowed or arrested breathing/constipation; endocarditis; hepatitis; HIV; addiction; fatal overdose
Opium	Laudanum, paregonic; big O, black stuff, block, gum, hop	II, III, Unswallowed, smoked	
Stimulants			
Cocaine	Cocaine hydrochloride: blow, bump, C, candy, Charlie, coke, crack, flake, rock, snow, tot	Unscheduled, smoked, injected	Increased heart rate, blood pressure, body temperature, metabolism; feelings of exhilaration; increased energy, mental alertness, tremors; reduced appetite; irritability; anxiety; panic; paranoia; violent behavior; psychosis/weight loss; insomnia; cardiac or cardiovascular complications; stroke; seizures; addiction Also, for cocaine —nasal damage from snorting Also, for methamphetamine —severe dental problems
Amphetamine	Amphetamine, Desoxine; berries, black beaulies, crosses, hearts, LA turnaround, speed, truck drivers, uppers	Unscheduled, snorted, smoked, injected	
Methamphetamine	Desoxyn; meth, ice, crank, chalk, crystal, fin, glass, go fast, speed	Unscheduled, snorted, smoked, injected	
Club Drugs			
MDMA (methylendioxyamphetamine)	Ecstasy, Adam, clarity, Eve, lover's speed, peace, uppers	Unscheduled, snorted, injected	MDMA—mild hallucinogenic effects; increased tactile sensitivity; empathic feelings; lowered inhibition; anxiety; chills; sweating; teeth clenching; muscle cramping/ sleep disturbances; depression; impaired memory; hyperthermia; addiction Flunitrazepam —sedation; muscle relaxation; confusion; memory loss; dizziness; impaired coordination/addiction GHB —drowsiness; nausea; headache; disorientation; loss of coordination; memory loss/ unconsciousness; seizures; coma
Flunitrazepam***	Rohypnol; forget-me pill, Mexican Valium, R2, roach, Roche, roofies, roofies, rape, rophies	Unscheduled, snorted	
GHB***	Gamma-hydroxybutyrate; G, Georgia home boy, grievous bodily harm, liquid ecstasy, sssap, sccop, goss, liquid X	Unscheduled	
Dissociative Drugs			
Ketamine	Ketalar SV; cat Valium, K, Special K, vitamin K	Unscheduled, snorted, smoked	Feelings of being separate from one's body and environment; impaired motor functionality; tremors; numbness; memory loss; nausea Also, for ketamine —analgesic; impaired memory; delirium; respiratory depression and arrest; death
PCP and analogs	Phencyclidine: angel dust, boat, hog, low boat, peace pill	I, Unswallowed, smoked, injected	Also, for PCP and analogs —analgesic; psychosis; aggression; violence; slurred speech; loss of coordination; hallucinations
Salvia divinorum	Salvia, Shepherdess's Herb, Maria Pastora, magic mint, Sally-D	Not scheduled/chewed, swallowed, smoked	Also, for PCP and analogs —analgesic; psychosis; aggression; violence; slurred speech; loss of coordination; hallucinations Also, for PCP and analogs —analgesic; psychosis; aggression; violence; slurred speech; loss of coordination; hallucinations
Dextromethorphan (DXM)	Found in some cough and cold medications: RoboTroping, Robo, Triple C	Not scheduled/swallowed	Also, for DXM —euphoria; slurred speech; confusion; dizziness; distorted visual perceptions
Hallucinogens			
LSD	Lysergic acid diethylamide; acid, blotter, cubes, microdot, yellow sunshine, blue heaven	Unscheduled, absorbed through mouth tissues	Altered states of perception and feeling; hallucinations; nausea Also, for LSD and mescaline —increased body temperature, heart rate, blood pressure; loss of appetite; sweating; sleeplessness; numbness; dizziness; weakness; tremors; impulsive behavior; rapid shifts in emotion
Mescaline	Buttons, cactus, mesq, peyote	Unscheduled, smoked	
Psilocybin	Magic mushrooms, purple passion, atomos, little smoke	Unscheduled	Also, for LSD —Flashbacks, Hallucinogen Persisting Perception Disorder Also, for psilocybin —nervousness, paranoia, panic
Other Compounds			
Anabolic steroids	Anadrol, Oxandrin, Durabolin, Depo-Testosterone, Equipoise; roids, juice, gym candy, pumpers	Unscheduled, swallowed, applied to skin	Steroids —no intoxication effects/hypertension; blood clotting and cholesterol changes; liver cysts; hostility and aggression; acne; in adolescents—premature stoppage of growth; in males—prostate cancer, reduced sperm production, shrunken testicles, breast enlargement, in females—menstrual irregularities, development of beard and other masculine characteristics Inhalants (varies by chemical)—stimulation; loss of inhibition; headache; nausea or vomiting; slurred speech; loss of motor coordination; wheezing/cramps; muscle weakness; depression; memory impairment; damage to cardiovascular and nervous systems; unconsciousness; sudden death
Inhalants	Solvents (paint thinners, gasoline, glues); gases (butane, propane, aerosol propellants, nitrous oxide); nitrites (isoamyl, isobutyl, cyclohexyl); laughing gas, poppers, snappers, whippets	Not scheduled/inhaled through nose or mouth	

Substances: Category and Name	Examples of Commercial and Street Names	DEA Schedule? How Administered**	Acute Effects/Health risks
Prescription Medications			
OAS Depressants	For more information on prescription medications, please visit http://www.nida.nih.gov/qa/qa-factsheets/qa-factsheet-drug-factsheet.html .		
Stimulants			
Opoid Pain Relievers			

* Schedule I and II drugs have a high potential for abuse. They require greater storage security and have a quota on manufacturing, among other restrictions. Schedule I drugs are available for research only and have no approved medical use; Schedule II drugs are available only by prescription, have a quota, and require a permit for ordering. Schedule III and IV drugs are available by prescription, may have the quota in some states, and may be abused orally. Some Schedule V drugs are available over the counter.

** Some of the health risks are directly related to the route of drug administration. For example, injection drug use can increase the risk of infection through needle contamination with hepatitis, HIV, hepatitis, and other organisms.

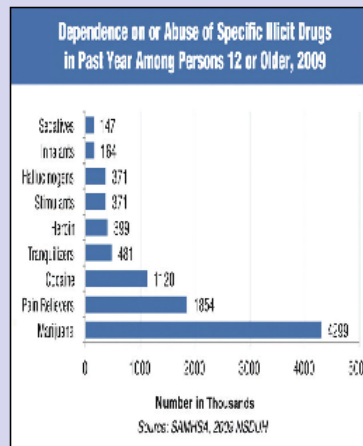
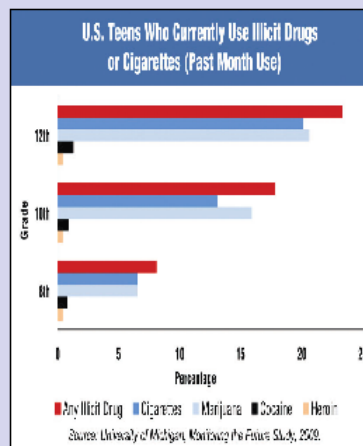
*** Association with sexual assault.

Principles of Drug Addiction Treatment

More than three decades of scientific research show that treatment can help drug-addicted individuals stop drug use, avoid relapse and successfully recover their lives. Based on this research, 13 fundamental principles that characterize effective drug abuse treatment have been developed. These principles are detailed in *NIDA's Principles of Drug Addiction Treatment: A Research-Based Guide*. The guide also describes different types of science-based treatments and provides answers to commonly asked questions.

1. Addiction is a complex but treatable disease that affects brain function and behavior. Drugs alter the normal drug use and brain functions, leading to a disease that persists long after drug use has ceased. This may help explain why some people do not have relapse-free periods of abstinence.
2. No single treatment is appropriate for everyone. Matching treatment (e.g., interventions, and services) to an individual's particular problems and needs is critical to his or her ultimate success.
3. Treatment needs to be readily available. Because drug-addicted individuals may be uncertain about entering treatment, taking advantage of available services the moment people are ready for treatment is critical. Federal policies can restrict treatment if not immediately available or not financially accessible.
4. Effective treatment attends to multiple needs of the individual, not just his or her drug abuse. To be effective, treatment must address the individual's drug abuse and any associated medical, psychological, social, vocational, and legal problems.
5. Remaining in treatment for an adequate period of time is critical. The appropriate duration for an individual depends on the type and extent of his or her problems and needs. Research indicates that more and longer individuals need of studies in their treatment to sustain and reduce relapse. Their long-term use of the treatment becomes more with longer duration of treatment.
6. Counseling—individual and/or group—and other behavioral therapies are the most commonly used forms of drug abuse treatment. Several therapies vary in their effectiveness, include addressing a patient's motivation to change, building skills to resist drug use, coping with cues and triggers, and building social and reward networks, improving problem-solving skills, and facilitating better interpersonal relationships.
7. Medications are an important element of treatment for many patients, especially when combined with counseling and other behavioral therapies. For example, methadone and buprenorphine are effective in helping individuals addicted to heroin or other opiates stabilize their lives and reduce their illicit drug use. Also, for persons addicted to nicotine, a nicotine replacement (e.g., transdermal nicotine patch) or gum or an oral medication (e.g., varenicline), can be an effective component of treatment. Other parts of comprehensive behavioral treatment program.
8. An individual's treatment and services plan must be assessed continually and modified as necessary to ensure it meets his or her changing needs. A patient may require varying combinations of services and treatment components over the course of his or her treatment, recovery, and then be counseling or participating in a relapse prevention program.
9. Many drug-addicted individuals also have other mental disorders. Because drug abuse and addiction—both of which are mental disorders—often co-occur with other mental illnesses, careful attention to these mental health should be assessed for the individual, and when these problems co-occur treatment should address both (if at all, including the use of medications as appropriate).
10. Medically assisted detoxification is only the first stage of addiction treatment and by itself does little to change long-term drug abuse. Although medically assisted detoxification can reduce the acute physical symptoms of withdrawal, detoxification on its own is rarely sufficient to help addicted individuals achieve long-term abstinence. Thus, patients should be encouraged to continue drug treatment following detoxification.
11. Treatment does not need to be voluntary to be effective. Services or interventions (family, employment, services, and the criminal justice system) can significantly increase treatment entry, retention rates, and the ultimate success of drug treatment interventions.
12. Drug use during treatment must be monitored continuously, as lapses during treatment do occur. Showing that drug use is being monitored can be powerful in motivating treatment and can help the individual's changes to use drugs. Non-use also provides an opportunity to address drug use, including a possible need to adjust an individual's treatment plan to better meet his or her needs.
13. Treatment programs should assess patients for the presence of HIV/AIDS, hepatitis B and C, tuberculosis, and other infectious diseases, as well as provide targeted risk-reduction counseling to help patients modify or change behaviors that place them at risk of contracting or spreading infectious diseases. Targeted counseling specifically focuses on reducing injection drug use risk, needle practices, other practices or sexual behavior-related and other risk behaviors. Treatment providers should encourage and support HIV screening and inform patients that high-quality, confidential, free, and fast HIV testing services are available. HIV, including acute, drug-using patients.

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REGULATION OF ALCOHOL AT SWARTHMORE

The presence of alcoholic beverages on campus is limited in two ways. First, it is limited by federal, state, and borough laws, including those summarized below. Second, College rules specify the circumstances under which alcohol may legitimately be served on campus.

ALCOHOL AND DRUG AMNESTY (AOD AMNESTY)

Swarthmore College seeks to remove any barriers to reporting incidents of sexual assault and/or harassment and for providing assistance to students in need of medical attention. The College will generally offer any student, whether the complainant or a third party, who reports sexual assault or harassment limited immunity from being charged for policy violations related to the personal ingestion of alcohol or other drugs, provided that any such violations did not and do not place the health and safety of any person at risk. The College may choose, however, to pursue educational or therapeutic remedies for those individuals.

Additionally, the College recognizes that there may be situations in which students would be in need of swift medical assistance for themselves or others, as a result of alcohol and/or drug use. The College expects each student to share in the safety and wellbeing of their fellow students and to seek out assistance from College officials (Public Safety, Resident Advisors, Dean's Office Staff) and/or medical emergency services through 911, without fear of College disciplinary action.

Under the College's Alcohol and Drug Amnesty policy, neither the student in need nor the student or student organization requesting assistance will ordinarily be subject to disciplinary action as a result of a violation of the Alcohol and/or Drug Policy.

Though a student or student organization participating in the College's AOD Amnesty policy will not normally be subject to disciplinary action, they will be required to meet with a College official to discuss the incident and/or participate in a College educational program. In order to avoid a disciplinary consequence, the student(s) involved in the AOD Amnesty policy will need to meet with the College's Alcohol and Other Drugs Counselor & Educator and comply with any suggested recommendations. Information discussed in any session with the Alcohol and Other Drugs Counselor & Educator is considered confidential. Failure to meet with the College's Alcohol and Other Drugs Counselor & Educator and comply with any recommendations will result in the reinstatement of the College disciplinary process for this incident and/or further sanctions from the College.

Although a student involved in the AOD Amnesty program may not submit to disciplinary action from the College for an incident, they should be aware that a AOD Amnesty incident could be taken into consideration, should they be found responsible for any other student conduct incidents in the future.

The AOD Amnesty policy only applies to violations of the College's Alcohol and/or Drug policy and does not apply to other violations of the Student Code of Conduct. In incidents where other violations of the Student Code of Conduct have occurred (e.g., assault, hazing, harassment, vandalism), one's decision to call for assist for an individual in need of medical attention may be considered a mitigating factor in any disciplinary process (similarly, one's failure to request

medical assistance for someone in need may be considered an aggravating factor in any disciplinary process).

Students who participate in the College's AOD Amnesty policy are not immune from any legal or other law enforcement actions that may result from any given incident.

COLLEGE DISCIPLINARY SANCTIONS REGARDING VIOLATIONS OF THE ALCOHOL AND OTHER DRUGS POLICY

The College will impose disciplinary sanctions on students (consistent with the local, state, and federal laws described below) for violations of the Alcohol and Other Drugs Policy. Disciplinary action, including, but not limited to, warnings, fines, probation, suspension, expulsion, or referral for prosecution may result from any of the following violations:

- the possession or consumption of alcoholic beverages by anyone under 21 on property owned, leased, or controlled by Swarthmore College;
- the furnishing of alcoholic beverages to individuals under the age of 21;
- the consumption, possession, or furnishing of hard alcohol at registered campus events;
- the use of common sources of hard alcohol, especially punches and party bowls;
- engaging in or coercing others into activities, games, and/or other behaviors designed for the purpose of rapid ingestion or abusive use of alcohol (e.g., use of paraphernalia such as funnels, keg stands, "around-the-world" parties, flip cup, quarters, beer pong, Beirut, power hour, and other alcohol consumption based on speed and/or volume, etc.);
- the sale, possession, production, purchase, distribution, or use of any controlled substance or illegal drug on College premises or at College- sponsored activities;
- abuse or illegal distribution of prescription medication;
- violent acts against persons or property
- drunkenness and disorderly conduct;
- driving under the influence;
- the manufacturing (including malt beverages/beer) and/or use of grain alcohol; and
- the violation of rules governing the permitted use of alcohol at College events.

Note: Sanctions may be assessed against individuals and organizations, as well as guests and their host.

Violations of the Alcohol and Other Drugs Policy regarding both individual behavior and party guidelines will be referred to the student conduct process for review, adjudication, and referral when appropriate. If a student presents at Student Health and Wellness at the Worth Health Center due to intoxication or drug use, she/he will be referred to the alcohol and other drugs counselor. Organizations may also be found to be in violation of these policies.

When addressing violations of the College's Alcohol and Other Drugs policy, the health and safety of the College community is the central consideration of this process. The student conduct response to a violation of this policy considers many factors including: the nature of the violation, an individual or organization's conduct history and/or time between previous AOD violation(s), and/or aggravating or mitigating factors (i.e., other misconduct, deception, completion of AOD treatment program, etc.). Typically, a first violation of the College's alcohol and other drug policy related to an incident with alcohol or marijuana will result in a warning and referral to the alcohol and other drugs counselor (minimum penalty). A second violation

usually results in probation and/or a requirement to attend an alcohol education program. Subsequent and/or severe violations will typically result in suspension or expulsion.

Student organizations may also be subject to a restriction from hosting registered social events/parties for a period of time, restriction from recruitment of new members, restriction to access of College funds and/or use of facilities, suspended, and/or derecognized by the College.

In all situations, a student or organization may also be subject to penalties and/or fines imposed by outside authorities. College fines may be imposed for any violation to cover expenses related to repair or replacement of damaged items or for cleanup. Sanctions increase in severity with repeated offenses and/or major misconduct (i.e., production and/or distribution of a controlled substance, driving under the influence of alcohol or drugs, etc.).

LOCAL, STATE, AND FEDERAL LEGAL SANCTIONS

A student who violates the College's Alcohol and Other Drugs policy is subject both to the College's sanctions and to criminal sanctions provided by federal, state, and local law.

The Drug-Free Schools and Communities Act.

In 1989, the federal government adopted the Drug-Free Schools and Communities Act. As a condition of receiving federal grants, the College must certify that it is in compliance with this law. This means that underage drinking is not only a violation of state law, but also a violation of College policy and will be sanctioned under the College's student conduct system.

Alcohol. Under Pennsylvania state law, a person less than 21 years of age may not purchase, consume, possess, or transport alcohol. Any person convicted of violating this law will have her/his driver's license suspended for ninety (90) days. A second offense will result in a one-year suspension of driving privileges and a fine up to \$500. Additionally, any person who intentionally provides alcohol to a person less than 21 years of age is guilty of a misdemeanor of the third degree, which carries a fine of at least \$1,000 for the first (1st) offense.

Pennsylvania state law allows a driver to be considered intoxicated and charged with driving under the influence (DUI) if she/he has symptoms of intoxication and a blood-alcohol content (BAC) greater than 0.08 percent. A BAC of 0.08 percent can be obtained by consuming a little less than one (1) drink per hour. A driver will be charged with DUI if her/his BAC exceeds 0.08 percent.

Additionally, Pennsylvania state law penalizes public drunkenness and defines it as: "A person is guilty of a summary offense if he/she appears in any public place manifestly under the influence of alcohol to the degree he/she may endanger himself/herself or other persons or property, or annoy persons in his/her vicinity." It is also a violation of Swarthmore Borough Ordinance 759 to be found in a drunken or intoxicated condition under circumstances tending to disturb the neighborhood or to cause a breach of the public peace. Swarthmore Borough police will enforce these laws on and off campus.

Drugs. Both federal and state laws impose sanctions for the possession, use, and distribution of illegal drugs. The sanctions for any given offense depend on the type and quantity of the drug involved and whether the offense is possession, use, or distribution.

Under federal law, simple possession of a controlled substance carries a penalty of imprisonment for up to one (1) year, plus a minimum fine of \$1,000. If the controlled substance contains a cocaine base and the amount exceeds five (5) grams, the first-time offender will be imprisoned for not less than five (5) years and not more than twenty (20) years and fined. Also under federal law, any person 18 or more years old who distributes drugs to anyone under age 21 will be imprisoned or fined, or both, up to twice what is otherwise provided by law, with a minimum prison sentence of one (1) year. This same penalty applies to any person who distributes or possesses with intent to distribute drugs to anyone within 1,000 feet of a college campus.

Pennsylvania law imposes similarly strict sanctions on the unlawful use, possession, and distribution of drugs. In addition to imposing fines and imprisonment for violation of its drug laws, Pennsylvania will seize all of the violator's property that was used in committing the crime.

International students. Additional penalties and sanctions may apply for international students who are in the US on a visa. Pursuant to the Foreign Affairs Manual of the US Department of State (9 FAM 403.11-3(A)), a visa can be revoked when the international student "...is subject to a Watchlist Promote Hit for an arrest or conviction of driving under the influence, driving while intoxicated, or similar arrests/convictions (DUI) that occurred within the previous five years, pursuant to [9 FAM 403.11-5\(B\)\(c\)](#)."

STATE AND FEDERAL SANCTIONS

The following is a summary description of the legal sanctions under state and federal law for the unlawful possession or distribution of illicit drugs and alcohol.

1. Drugs—state penalties and sanctions for illegal possession, sale, or delivery of a controlled substance:

a. The Controlled Substance, Drug, Device and Cosmetic Act, 35 P.S. § 780-101 et seq. sets up five schedules of controlled substances based on potential for abuse, dangerousness, and medical uses. The act prohibits, among other things, the manufacture, distribution, sale, or acquisition by misrepresentation or forgery of controlled substances except in accordance with the act, as well as the knowing possession of controlled substances unlawfully acquired. Penalties for first-time violators of the act range from thirty (30) days imprisonment, a \$500 fine, or both, for possession or distribution of a small amount of marijuana or hashish, but which was not for sale, to fifteen (15) years imprisonment, a \$250,000 fine, or both, for the manufacture or delivery of a schedule I or II narcotic.

Fines and terms of imprisonment may be doubled under certain circumstances, including the distribution of a controlled substance to a person under 18 years of age or a conviction for a second or subsequent offense.

b. 18 Pa. C.S. §§ 6314, 6317. A person over 18 years of age who is convicted for violating the Controlled Substance, Drug, Device and Cosmetic Act shall be sentenced to a minimum of at least one (1) year total confinement if the delivery or possession with intent to deliver of the controlled substance was to a minor. If the offense is committed within 1,000 feet of the real property on which is located a public, private, or parochial school or a college or

university or within 250 feet of the real property on which is located a recreation center or playground or on a school bus (“drug free school zones”), the person shall be sentenced to an additional minimum sentence of at least two (2) years total confinement. Such offenses not involving minors in drug-free school zones are subject to a mandatory minimum of two (2) years of total confinement.

c. The Pharmacy Act of 1961, 63 P.S. § 390-8 prohibits, among other things, procuring or attempting to procure drugs by fraud, deceit, misrepresentation, or subterfuge or by forgery or alteration of a prescription. The first offense is a misdemeanor, with a maximum penalty of one (1) year of imprisonment, a \$5,000 fine, or both. For each subsequent offense, the maximum penalty is three (3) years of imprisonment, a \$15,000 fine, or both.

d. The Vehicle Code, 75 Pa. C.S. § 3802 et seq. prohibits driving, operating, or being in actual physical control of the movement of a vehicle while under the influence of alcohol or a controlled substance, or both, if the driver is thereby rendered incapable of safely driving, operating, or being in actual physical control of the movement of the vehicle or if the alcohol concentration in the individual’s blood or breath exceeds the stated limits. Penalties for first-time violators of the act range from a mandatory term of six (6) months’ probation, a \$300 fine, or both, to a maximum of seventy-two (72) hours’ imprisonment, a \$5,000 fine, or both. Penalties for subsequent violations increase to a maximum of not less than one (1) year imprisonment, a \$10,000 fine, or both. In addition to the above penalties, the court has discretion to order any or all of the following: highway safety training, drug or alcohol treatment, community service, attendance at a victim-impact panel, use of an ignition interlock device, and/or suspension of operating privileges.

2. Drugs—federal penalties and sanctions for illegal possession or trafficking of a controlled substance:

a. 21 U.S.C.S. § 844(a). For the first conviction: up to one (1) year of imprisonment and fine of at least \$1,000, or both. After one (1) prior drug conviction: at least fifteen (15) days’ imprisonment, not to exceed two (2) years, and fine of at least \$2,500. After two (2) or more prior drug convictions: At least ninety (90) days’ imprisonment, not to exceed three (3) years, and fine of at least \$5,000.

The special sentencing provisions for possession of flunitrazepam (the “date rape drug”) include imprisonment not to exceed three (3) years and fine of at least \$1,000.

In addition to the above penalties, the court has discretion, upon conviction, to order a fine in the amount of the reasonable costs of the investigation and prosecution of the offense.

b. 21 U.S.C.S. §§ 853(a) and 881(a). This statute allows for the forfeiture of personal and real property used, or intended to be used, to possess or to facilitate possession of a controlled substance if that offense is punishable by more than one (1) year of imprisonment.

Additionally, this allows for the forfeiture of money, controlled substances, drug paraphernalia, firearms, books and records, vehicles, boats, aircraft or any other conveyance used, or intended to be used, to transport or facilitate the transportation, sale, receipt, possession, or concealment of a controlled substance or any raw materials, products, or equipment of any kind which are

used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting any controlled substance.

c. 20 U.S.C.S. § 1091(r). A student who has been convicted of any offense under any federal or state law involving the possession or sale of a controlled substance for conduct that occurred during a period of enrollment for which the student was receiving any grant, loan, or work assistance under federal law, shall not be eligible to receive any grant, loan, or work assistance during the period beginning on the date of such conviction and ending after the interval specified as follows. If convicted of an offense involving the possession of a controlled substance: first (1st) offense, the student is ineligible for one (1) year; second (2nd), offense, the student is ineligible for two (2) years; third (3rd) offense, the student is ineligible indefinitely. If convicted of an offense involving the sale of a controlled substance, the penalty for the first (1st) offense is an ineligibility period of two (2) years; the penalty for a second (2nd) offense is ineligibility for an indefinite period.

A student whose eligibility has been suspended under the above paragraph may resume eligibility before the end of the ineligibility period if (a) the student satisfactorily completes a drug rehabilitation program that (i) complies with such criteria as prescribed by regulations and (ii) includes two (2) unannounced drug tests; (b) the student successfully passes two (2) unannounced drug tests conducted by a drug rehabilitation program that complies with such criteria as prescribed by regulations; or (c) the conviction is reversed, set aside, or otherwise rendered not valid.

d. 21 U.S.C.S. § 862. The following penalties are for possession of a controlled substance. Penalties are increased for trafficking. Denial of federal benefits, such as grants, contracts, loans, and professional and commercial licenses, up to one (1) year for the first (1st) offense and up to five (5) years for the second (2nd) and subsequent offenses

e. 18 U.S.C.S. § 922(g). Under this statute, one who is an unlawful user of, or addicted to, controlled substances is ineligible to own or possess firearms or ammunition.

f. Miscellaneous statutes. Revocation of certain federal licenses and benefits, e.g., pilot licenses, public housing tenancy, etc., are vested within the authorities of individual federal agencies.

g. See the chart describing Federal Trafficking Penalties for additional information.

Federal Trafficking Penalties for Schedules I, II, III, IV, and V (except Marijuana)

Schedule	Substance/Quantity	Penalty	Substance/Quantity	Penalty
II	Cocaine 500-4999 grams mixture	First Offense: Not less than 5 yrs. and not more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Second Offense: Not less than 10 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.	Cocaine 5 kilograms or more mixture	First Offense: Not less than 10 yrs. and not more than life. If death or serious bodily injury, not less than 20 yrs. or more than life. Second Offense: Not less than 20 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual. 2 or More Prior Offenses: Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
II	Cocaine Base 28-279 grams mixture		Cocaine Base 280 grams or more mixture	
IV	Fentanyl 40-399 grams mixture		Fentanyl 400 grams or more mixture	
I	Fentanyl Analogue 10-99 grams mixture		Fentanyl Analogue 100 grams or more mixture	
I	Heroin 100-999 grams mixture		Heroin 1 kilogram or more mixture	
I	LSD 1-9 grams mixture		LSD 10 grams or more mixture	
II	Methamphetamine 5-49 grams pure or 50-499 grams mixture	Methamphetamine 50 grams or more pure or 500 grams or more mixture	Methamphetamine 50 grams or more pure or 500 grams or more mixture	
II	PCP 10-99 grams pure or 100-999 grams mixture	PCP 100 grams or more pure or 1 kilogram or more mixture	PCP 100 grams or more pure or 1 kilogram or more mixture	
Substance/Quantity		Penalty		
Any Amount Of Other Schedule I & II Substances		First Offense: Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine \$1 million if an individual, \$5 million if not an individual.		
Any Drug Product Containing Gamma Hydroxybutyric Acid Flunitrazepam (Schedule IV) 1 Gram		Second Offense: Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.		
Any Amount Of Other Schedule III Drugs		First Offense: Not more than 10 yrs. If death or serious bodily injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual. Second Offense: Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.		
Any Amount Of All Other Schedule IV Drugs (other than one gram or more of Flunitrazepam)		First Offense: Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual. Second Offense: Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.		
Any Amount Of All Schedule V Drugs		First Offense: Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual. Second Offense: Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.		

Federal Trafficking Penalties for Marijuana, Hashish and Hashish Oil, Schedule I Substances	
Marijuana 1,000 kilograms or more marijuana mixture or 1,000 or more marijuana plants	First Offense: Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual. Second Offense: Not less than 20 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
Marijuana 100 to 999 kilograms marijuana mixture or 100 to 999 marijuana plants	First Offense: Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual. Second Offense: Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$8 million if an individual, \$50 million if other than an individual.
Marijuana 50 to 99 kilograms marijuana mixture, 50 to 99 marijuana plants	First Offense: Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.
Hashish More than 10 kilograms	Second Offense: Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.
Hashish Oil More than 1 kilogram	
Marijuana less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight)	First Offense: Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual. Second Offense: Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual.
1 to 49 marijuana plants	
Hashish 10 kilograms or less	
Hashish Oil 1 kilogram or less	

3. Alcohol—state penalties and sanctions for illegal possession or other violations:

The Pennsylvania Liquor Code, 47 P.S. § 1-101 et seq., controls the possession and sale of alcoholic beverages within the commonwealth. The code (in conjunction with portions of the Pennsylvania statutes pertaining to crimes and offenses involving minors, 18 Pa. C.S.A. § 6307 et seq.) provides as follows:

a. It is a summary offense for a person under the age of 21 to attempt to purchase, consume, possess, or knowingly and intentionally transport any liquor or malt or brewed beverages. The penalty for a first (1st) offense is suspension of driving privileges for ninety (90) days, a fine up to \$500, and imprisonment for up to ninety (90) days; for a second (2nd) offense,

suspension of driving privileges for one (1) year, a fine up to \$1000, and imprisonment for up to ninety (90) days; and for a subsequent offense, suspension of driving privileges for two (2) years, a fine up to \$1000, and imprisonment for up to ninety (90) days. Multiple sentences involving suspension of driving privileges must be served consecutively.

b. It is a crime intentionally and knowingly to sell or intentionally and knowingly to furnish or to purchase with the intent to sell or furnish, any liquor or malt or brewed beverages to any minor (under the age of 21). "Furnish" means to supply, give, or provide to, or allow a minor to possess on premises or property owned or controlled by the person charged. The minimum fine for a first (1st) violation is \$1,000; \$2,500 for each subsequent violation; and imprisonment for up to one (1) year for any violation.

c. It is a crime for any person under 21 years of age to possess an identification card falsely identifying that person as being 21 years of age or older, or to obtain or attempt to obtain liquor or malt or brewed beverages by using a false identification card. The penalty for a first (1st) offense is suspension of driving privileges for ninety (90) days, a fine up to \$500, and imprisonment for up to ninety (90) days; for a second (2nd) offense, suspension of driving privileges for one (1) year, a fine up to \$500, and imprisonment for up to one (1) year; and for a subsequent offense, suspension of driving privileges for two (2) years, a fine up to \$500, and imprisonment for up to one (1) year.

d. It is a crime intentionally, knowingly, or recklessly to manufacture, make, alter, sell, or attempt to sell an identification card falsely representing the identity, birth date, or age of another. The fine is a minimum of \$1,000 for the first (1st) violation; for subsequent violations, the fine is a minimum of \$2,500; and imprisonment for up to two (2) years for any violation.

e. It is a crime knowingly to misrepresent one's age to obtain liquor. Penalties are as stated in (c) above.

f. It is a crime for any person to appear in any public place manifestly under the influence of alcohol to the degree that she/he may endanger herself/ himself or other persons or property, or annoy persons in her/his vicinity. The fine is up to \$500 for the first (1st) violation; for subsequent violations, the fine is up to \$1,000 and imprisonment for up to ninety (90) days for any violation.

g. It is a crime knowingly, willfully, and falsely to represent that another is of legal age to obtain liquor or malt or brewed beverages. The penalty is a minimum fine of \$300 and imprisonment for up to one (1) year.

h. It is a crime to hire, request, or induce any minor to purchase liquor or malt or brewed beverages. The penalty is a minimum fine of \$300 and imprisonment for up to one (1) year.

i. Sales without a license or purchases from an unlicensed source of liquor or malt beverages are prohibited.

j. It is unlawful to possess or transport liquor or alcohol within the Commonwealth unless it has been purchased from a Pennsylvania State Liquor Store or in accordance with Liquor Control Board regulations.

Events and Parties

The College defines an event as an academic, intellectual, cultural, and/or social gathering, which is open to all or a registered group of, current Swarthmore students, in a designated campus space in which alcohol may/may not be present for the entirety of the event. Funds and approval for College events can be obtained through the Student Budget Committee (SBC) or other funding sources and approved through the Office of Student Engagement at least two (2) weeks in advance of the event.

The College defines a party as a social function where alcohol may be served, regulated by the Alcohol Permit, in a designated campus party space and more than ten (10) students are present. **Unless specifically authorized in writing by the Associate V.P. and Dean of Students & Director of Student Conduct, no College funding may be used to purchase alcoholic beverages** (written authorization may be given for senior only events, associated with senior week/senior class only events at off-campus locations where all participants are over 21 years old).

A College party may be held on- or off- campus and may only be sponsored by Swarthmore students. All parties held on-campus are automatically subject to this policy. If an individual and/or organization holds a party off-campus they may be subject to the student code of conduct and/or Pennsylvania state law.

If held off campus, a party becomes subject to this policy if either of the following conditions are met:

1. College funds or funds from the Social Affairs Committee (SAC) of Student Council or the SBC, or from any approved student organization, are used in whole or in part to sponsor the event. This includes expenses that are reimbursed at a later time.
2. The social function is broadly advertised on campus in such a way as to invite student attendance. This includes verbal, written, or electronic personal invitations to individual students.

Social functions (with alcoholic beverages) are divided into the following two types:

1. **All-College Events/Parties:** Individual students or student organizations may apply to Student Budget Committee (SBC) and/or Office of Student Engagement to obtain funds to assist in sponsoring an All-College event, to be held by those students or student organizations. SBC and Office of Student Engagement meet weekly to review event proposals and allocate funding. There may not be a charge for All-College events/parties, and they must be open to all members of the student body. All Swarthmore students are permitted to host one (1) guest (including Tri-Co) but that is at the discretion of the hosts. All guests are required to provide either a Tri-Co or State issued ID. **Again, under no circumstances may any College funding be used to purchase alcoholic beverages.**

2. **Fundraisers:** Students holding an event to raise funds for a nonprofit or humanitarian cause may advertise that donations are encouraged, but they must not serve as an entry fee to the event. Advertisements for the event may mention that it is a fundraiser. **No amounts of the donations may be used to purchase alcohol.**

Authorized campus locations and times. Students over the age of 21 are permitted to possess and consume alcohol in their own residence hall rooms without special approval, provided fewer than ten (10) people are present; beer is not served from a keg; and there is no disorder. Designated campus event/party locations are authorized by a member of the Office Student Engagement and/or Dean's staff.

Alcoholic beverages are specifically excluded at all athletic contests or related events. Alcoholic beverages may not be served at parties or other events that take place during orientation periods, the first week of the Fall academic semester, vacation periods, reading days, final examination periods, or large scale Admissions Offices events (i.e., *SWATstuck*). The first available date to register an event/party with an Alcohol Permit is the first Saturday after classes begin each semester.

Duration: Social functions are expected to begin and end at a reasonable, specified time. In general, functions may not exceed four (4) hours in duration and should end no later than midnight Sunday through Wednesday and by 2:00AM for Thursday through Saturday night events. Thursday parties lasting beyond midnight must be in non-residential party spaces. Undue noise or unwanted guests may nullify previous agreements.

Alcohol Permits: After reserving space for a social function, the student must register the function by obtaining and submitting an Alcohol Permit from the Office of Student Engagement. An Alcohol Permit is required if: a) there are ten (10) people or more will attend; b) there is a keg; or c) the party will be held in a registered event/party location. This permit must indicate the name of two (2) responsible hosts, one of whom must be at least 21 years of age. Both hosts must have attended the College's Event/Party Host Training. Additionally both hosts of the registered event/party **must** meet with the Office of Student Engagement and Public Safety to review and sign the Alcohol Permit by no later than 12:00PM on the Thursday of the week of the requested event/party.

Alcohol that is present at the party and not included on the Alcohol Permit will be removed and will result in a referral to the College student conduct process. No Alcohol Permits will be issued during New Student Orientation, the first week of the Fall academic semester, vacation periods, reading days, final examination periods, or large scale Admission Office events (i.e., *SWATstruck*). The first available date to register an event/party with an Alcohol Permit is the first Saturday after classes begin each semester.

Event/Party Host Responsibilities: By signing the alcohol permit, the hosts agree to be responsible for compliance with party guidelines and local, state and federal law before, during, and following the event. **Event/party hosts must not consume alcohol for the duration of their hosting responsibilities for the event/party.** Organizations are able to have more than two (2) hosts for an event and work in shifts during an event/party. Failure to obtain an alcohol permit and display it at the event will result in the event/party being closed down. Both party

hosts must meet with SwatTeam representatives before the event/party can begin. In addition, the event/party hosts may be held accountable for any violations of the student code of conduct.

Publicizing: Private parties may not be advertised on campus. These events are by invitation only. However, all Student Activities funded events are required to be publicized on campus and must be open to all students. Generally, advertising is permitted for any party that is open to all students and is free of charge. Advertising (posters, flyers, chalkings, table tents, email, written, and verbal invitations) for All-College social functions must NOT refer to availability of alcoholic beverages, either graphically or in words. If there is any question as to whether or not some form of advertising meets this criterion, it should be cleared in advance with a dean, the alcohol and other drugs counselor, or the Student Activities Office. Illegal advertising or inappropriate signs will be removed and the individual and/or organization will be restricted from the ability to host an event/party until meeting with the Office of Student Engagement.

During the Party: While the social function is in progress and when alcoholic beverages are available (whichever is longer), the event/party hosts and SwatTeam must be in attendance, at all times. It is the responsibility of the hosts to regulate the serving of alcoholic beverages and to observe all laws and College guidelines regarding social events. Hosting the event/party without the approved presence of SwatTeam members for a party will result in the function being shut down.

During the event/party, the hosts responsibilities are:

- i) to control *the serving of alcoholic beverages*;
- iI) to refrain from serving alcoholic beverages to underage persons;
- ii) to prohibit non-Tri-College persons, except authorized guests, from entering the party; and
- iii) to prohibit visibly intoxicated persons from obtaining alcoholic beverages at the event/party.

It is also the responsibility of the event/party hosts to ensure that the following regulations are adhered to:

1. The Alcohol Permit must be displayed clearly for the duration of the event/party, and hosts must indicate what type/how much alcohol is being served on the permit. If the permit is not displayed, the party cannot begin.

2. SwatTeam & organization host member ID checkers must be stationed at the doors to regulate entry into the event/party and to ensure that alcoholic beverages are not carried out of the event/party. Only guests over the age of 21 will be provided a wristband indicating they are of the legal drinking age. The sharing of wristbands is strictly prohibited and will result in referral to the student conduct process.

3. A Swarthmore student is generally permitted to bring one (1) non-College guest to a party (this includes Tri-Co students). For private parties, the hosts must generate a guest list to be provided to the Office of Student Engagement and the SwatTeam members before the party begins. Failure to produce such list will result in guests not being allowed into the space. The guest, accompanied by the student host, must sign in at the door.

4. Signs must be posted in clear view at the entrance and where the alcohol is being served at all times during an event/party at which alcoholic beverages are served stating, "You must be 21

years of age to consume alcoholic beverages in the Commonwealth of Pennsylvania.”

5. At any social function where alcoholic beverages are served, alternative nonalcoholic beverages must be served at the same location with equal prominence. These alternative beverages will include drinks such as cider, sparkling grape juice, soda, or water that are appealing to a wide variety of tastes.

6. At any social function where alcoholic beverages are served, substantial food, such as fruits, vegetables, and/or pretzels, must also be served.

7. If non-alcoholic beverages or food run out during the course of the party, alcoholic beverages may no longer be served.

8. There is to be no smoking at any event/party.

If, in any event/party, the hosts are unable to uphold the guidelines and keep the party under control, they are required to call the Office of Public Safety at 610-328-8333 or ext. 8333. Public Safety officers are free to enter registered and unregistered parties, at any time.

Any violations of these responsibilities will be referred to the Director of Student Conduct and/or Office of Student Engagement for appropriate follow-up and possible adjudication through the College’s Student Conduct process.

After the Party: Cleanup is the responsibility of the hosts and/or sponsoring organization and must be done immediately following the event. The College will impose a monetary fine, ranging from a minimum of \$50 to several thousand dollars (depending on the scope of the damage) for failure to comply with agreements regarding space cleanup and/or destruction to College property (including Swaudio). In addition, hosts and/or sponsoring student organizations will be held responsible for any damages to the facility or equipment in that space.

SwatTeam: A registered event/party, where alcohol is present, will be staffed by SwatTeam members to help check IDs, provide crowd control, and serve as a liaison to Public Safety in the event that safety issues should arise. SwatTeam will be delegated to parties and assigned specific duties by the Office of Student Engagement and SwatTeam Managers, based upon the size and scale of the party.

SwatTeam members are required to be present and on the scene in order for a party to be held. Though SwatTeam is present, the hosts maintain responsibility for what occurs during their event. In the event that event/party protocol is not being followed and/or an emergency arises, SwatTeam members will be in contact with Public Safety to address the safety issues/concerns.

SwatTeam members will be selected by the Office of Student Engagement and SwatTeam Managers and trained by members of the Dean’s Division and Public Safety. SwatTeam Managers will also attend and be a part of the Event/Party Host training sessions.

Their duties will include (and typically be completed in tandem with event/party host organization members):

1. door/ID-checking, wristbanding guests, and crowd control;
2. refusing entry to visibly intoxicated persons;
3. ensuring that party guidelines (event/party permits and required food and drink) are followed;
4. support hosts in enforcing non-smoking policies;
5. regulating alcohol that is brought into or taken out of the party (when allowed);
6. enforcing the end time for parties;
7. alerting hosts to visibly intoxicated students;
8. providing a safe walk for persons to their residences, at a student's request; and
9. contacting public safety if they require assistance or in any emergency situations.

All SwatTeam members must follow these four guidelines:

1. Never make physical contact with a student,
2. Always provide a safe walk home through a well lit area,
3. Must wear SwatTeam t-shirt while working, and

May not consume alcohol before or during the event/party.

Substance Free Activities and Education:

Swarthmore is committed to providing prevention, treatment, advocacy and support for all students. Matriculating students begin their AOD awareness through an online program (AlcoholEdu) that provides education as an early prevention effort. Additionally, a full-time AOD Counselor & Educator provides individual counseling and campus programs, which include residence-based offerings. Each year, the AOD Counselor and Educator offers the AOD Program Series, which covers four key areas of prevention on campus. These related to diversity considerations, athletic performance, and biopsychosocial influences.

Swarthmore's campus also supports substance-free options, as evidenced by the development and expansion of our substance-free floor and counter programming during registered alcohol events. Moreover, substance-free programming has been integrated into our large scale events (e.g., Halloween, Worthstock). Substance-free self-care has also been a focal topic of our AOD Counselor & Educator's programming.

THE DRUG-FREE SCHOOLS AND COMMUNITIES ACT

In 1988 and in 1989, the federal government adopted the Drug-free Workplace Act and Drug-Free Schools and Communities Act, respectively. As a condition of receiving federal grants, the College must certify that it is in compliance with this law. This means that illegal drug use and underage drinking is not only a violation of state law, but also a violation of College policy and will result in disciplinary action, up to and including dismissal. The consumption of alcohol in quantities to the extent that an employee is unable to perform the duties of the job in a safe and productive manner, is also a violation of College policy and will result in disciplinary action, up to and including dismissal.

Violations of the Drug Free Workplace Policy and Employment

Violations of this policy will result in disciplinary action in accordance with College policies and procedures covering the conduct of faculty, and staff, up to and including dismissal (consistent with the local, state, and federal laws described below). As a condition of employment, all employees must abide by the terms of this policy. Student violations of the Alcohol and Other Drugs Policies of the College will be handled in accordance with the Student Code of Conduct Rules and Regulations.

ALCOHOL

Under Pennsylvania state law, a person less than 21 years of age may not purchase, consume, possess, or transport alcohol. Any person convicted of violating this law will have her/his driver's license suspended for ninety (90) days. A second offense will result in a one-year suspension of driving privileges and a fine up to \$500. Additionally, any person who intentionally provides alcohol to a person less than 21 years of age is guilty of a misdemeanor of the third degree, which carries a fine of at least \$1,000 for the first (1st) offense.

Pennsylvania state law allows a driver to be considered intoxicated and charged with driving under the influence (DUI) if she/he has symptoms of intoxication and a blood-alcohol content (BAC) greater than 0.08 percent. A BAC of 0.08 percent can be obtained by consuming a little less than one (1) drink per hour. A driver will be charged with DUI if her/his BAC exceeds 0.08 percent.

Additionally, Pennsylvania state law penalizes public drunkenness and defines it as: "A person is guilty of a summary offense if he/she appears in any public place manifestly under the influence of alcohol to the degree he/she may endanger himself/herself or other persons or property, or annoy persons in his/her vicinity." It is also a violation of Swarthmore Borough Ordinance 759 to be found in a drunken or intoxicated condition under circumstances tending to disturb the neighborhood or to cause a breach of the public peace. Swarthmore Borough police will enforce these laws on and off campus.

DRUGS

Both federal and state laws impose sanctions for the possession, use, and distribution of illegal drugs. The sanctions for any given offense depend on the type and quantity of the drug involved and whether the offense is possession, use, or distribution.

Under federal law, simple possession of a controlled substance carries a penalty of imprisonment for up to one (1) year, plus a minimum fine of \$1,000. If the controlled substance contains a cocaine base and the amount exceeds five (5) grams, the first-time offender will be imprisoned for not less than five (5) years and not more than twenty (20) years and fined. Also under federal law, any person 18 or more years old who distributes drugs to anyone under age 21 will be imprisoned or fined, or both, up to twice what is otherwise provided by law, with a minimum prison sentence of one (1) year. This same penalty applies to any person who distributes or possesses with intent to distribute drugs to anyone within 1,000 feet of a college campus. Pennsylvania law imposes similarly strict sanctions on the unlawful use, possession, and distribution of drugs. In addition to imposing fines and imprisonment for violation of its drug laws, Pennsylvania will seize all of the violator's property that was used in committing the crime.

Swarthmore College Sexual Assault & Harassment Policy

This policy prohibits all forms of sexual misconduct, including sexual harassment, sexual assault, sexual exploitation, indecent exposure, intimate-partner violence, dating violence and domestic violence, retaliation, stalking, and other misconduct that is sex or gender based, or in the context of an intimate partner relationship including: bullying and intimidation, physical assault, and discrimination.

I. Statement of Intent

Swarthmore College is committed to establishing and maintaining a community rich in equality and free from all forms of discrimination and harassment. The College seeks to create an environment in which the greatest holistic academic potential of students and professional potential of employees may be realized. In order to create and maintain such an inclusive climate, all who work and learn at the College are partners in the work of ensuring that the community is free from discrimination based on sex or gender, including sexual harassment, sexual assault, and other forms of sexual misconduct. These behaviors threaten our learning, living, and work environments and will not be tolerated.

In general, sexual misconduct is the broad term used to refer to all of the prohibited behaviors under this policy. Some of these prohibited forms of conduct may also be crimes under Pennsylvania law. Title IX of the Education Amendments of 1972 (“Title IX”) is a federal civil-rights law that prohibits discrimination on the basis of sex in education programs and activities. All public and private elementary and secondary schools, school districts, colleges, and universities receiving any federal funds must comply with Title IX. Under Title IX, discrimination on the basis of sex can include sexual harassment, gender-based harassment, sexual violence, sexual assault, and other forms of sexual misconduct, including stalking and intimate partner violence. Title IX says that “no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.”

Further, The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) is federal legislation that requires educational institutions that participate in federal student aid programs to maintain and disclose non-identifying information about the crimes that occur on or near their campus including allegations of sexual misconduct, specifically sexual assault, domestic violence, dating violence and stalking.

In compliance with Title IX, the College will address reported violations of the *Sexual Assault and Harassment Policy (SAHP)*. In compliance with the Clery Act, the College will publish non-identifying information about Clery criminal offenses and annually submit the College’s Annual Fire Safety and Security Report (AFSSR) to the U.S. Department of Education. For more information about Clery Act compliance or to obtain a copy of the AFSSR, contact the Department of Public Safety. The College, an officer, employee, or agent of the College, may not retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for

exercising their rights or responsibilities in this policy as required under the Violence Against Women Act.

Swarthmore College is an institution that strives to achieve its mission as a liberal arts college by encouraging the free, open, and civil exchange of ideas. Ideas, creativity, and free expression thrive and can only exist for the entire community in an atmosphere free of sexual discrimination and harassment.

II. Scope of policy

Swarthmore College prohibits harassment of and discrimination against any and all community members. This policy applies to all members of the College community, including students, employees (including administration, faculty, and instructional staff), volunteers, independent contractors, visitors, and any individuals regularly or temporarily employed, studying, living, visiting, conducting business, or having any official capacity at the College. All community members have a responsibility to adhere to College policies and local, state, and federal law. This policy applies to conduct occurring on Swarthmore College property, at College-sanctioned events, or programs that take place off campus, including study abroad and internship programs. This policy also applies to off-campus conduct that is likely to have a substantial adverse effect on any member of the Swarthmore College community or Swarthmore College.

Swarthmore, Haverford, and Bryn Mawr Colleges are part of the Tri-College Consortium. Swarthmore students may also cross-register with the University of Pennsylvania. Swarthmore students, when studying or visiting on the campuses of Haverford, Bryn Mawr, or the University of Pennsylvania, or when attending a College-related event for one of these four institutions, are subject to this policy as well as the policies of the host institution. Students from Haverford, Bryn Mawr, or the University of Pennsylvania who are enrolled in Swarthmore College classes are also protected by and subject to standards of this policy and any potential violations may be adjudicated under this policy and/or through their home institution.

The College's Policy on Prohibited Relationships prohibits romantic or sexual relationships between College employees (including instructional staff, faculty, and staff) and students. Violations of the Policy on Prohibited Relationships will be addressed by that policy, unless the prohibited conduct also violates the Sexual Assault and Harassment Policy, in which case it may be addressed in whole or in part by this policy. Please refer to the Provost's office website or Human Resources website for more information.

III. Notice of non-discrimination

The College expressly prohibits any form of discrimination and harassment on the basis of any College-recognized protected classification, including sex, race, color, age, religion, national or ethnic origin, sexual orientation, gender identity or expression, pregnancy, marital status, medical condition, veteran status, or disability in any decision regarding admissions, employment, or involvement in a College program or activity in accordance with the letter and

spirit of federal, state, and local non-discrimination and equal opportunity laws, such as Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, The Age Discrimination in Employment Act, The Americans with Disabilities Act and ADA Amendments Act, The Equal Pay Act, the Pennsylvania Human Relations Act, and the Borough of Swarthmore Ordinance on Non-Discrimination.

Swarthmore College, as an educational community, will promptly and equitably respond to all reports of sexual misconduct in order to eliminate the misconduct, prevent its recurrence, and address its effects on any individual or the community. Please see the Reporting section to make a report of discrimination, harassment, or to file a complaint.

IV. Swarthmore College statement regarding privacy

The College is committed to protecting the privacy of all individuals involved in a report of sexual misconduct. In any report under this policy, every effort will be made to protect the privacy interests of all individuals involved

Privacy and confidentiality have distinct meanings under this policy.

Privacy. Privacy generally means that information related to a report of misconduct will only be shared with a limited circle of individuals. The use of this information is limited to those College employees who “need to know” in order to assist in the active review, investigation, or resolution of the report. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process.

Confidentiality. Confidentiality means that information shared by an individual with designated confidential campus ^[1] or community professionals cannot be revealed to any other individual without express permission of the disclosing individual. Those campus and community professionals include medical providers, mental health providers, religious / pastoral counselors, and the sexual assault advocate, all of whom have legally protected confidentiality. These individuals are prohibited from breaking confidentiality unless there is an imminent threat of harm to self or others or the disclosure is otherwise legally permitted or required. Non-identifying, aggregate data may be shared for statistical purposes consistent with the Clery Act.

Any other College employee who is not designated as a confidential resource under this policy is designated a “responsible employee” under Title IX and is required to share a report of sexual misconduct with the Title IX Coordinator or Deputy Title IX Coordinator. (See Reporting section for full discussion of reporting requirements). The Title IX Coordinator, in consultation with the Title IX assessment team (as necessary) will conduct an initial assessment of the conduct, the reporting party’s desired course of action, and the necessity for any interim measures or services to protect the safety of the complainant or the community. The goal is to eliminate any hostile environment.

If a report of misconduct discloses a serious or immediate threat to the campus community, the College will issue a timely notification to the community to protect the health or safety of the community. The timely notification will not include any identifying information about the complainant. The College may also share non-identifying information about reports received in

aggregate form, including data about outcomes and sanctions. At no time will the College release the name of the complainant to the general public without the express consent of the complainant or as otherwise permitted or required by law.

All College proceedings are conducted in compliance with the requirements of the Family Educational Rights and Privacy Act (FERPA), the Clery Act, Title IX, Violence Against Women Act (VAWA), state and local law, and College policy. No information shall be released from such proceedings except as required or permitted by law and College policy.

V. Prohibited Conduct

The College prohibits the following forms of conduct:

- Sexual Harassment
- Sexual Assault
- Sexual Exploitation
- Intimate-Partner Violence, including Dating Violence and Domestic Violence
- Indecent Exposure
- Retaliation
- Stalking
- Other misconduct that is sex or gender-based, or in the context of an intimate partner relationship including:
 - Bullying and Intimidation
 - Physical Assault
 - Discrimination

This prohibited conduct can affect individuals of all genders, gender identities, gender expressions, and sexual orientations, and does not discriminate by racial, social, or economic background. Some of these prohibited forms of conduct may also be crimes under Pennsylvania law.

A. Sexual harassment

Sexual harassment is any unwelcome conduct of a sexual nature or based on sex or gender when at least one of the following conditions are present:

- Quid pro quo: Submission to or rejection of such conduct is an explicit or implicit condition of, or the basis of an individual's employment, evaluation of academic work, or any aspect of a College program or activity;
- Hostile environment: Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance, i.e. it is sufficiently serious, pervasive, or persistent as to create an intimidating, hostile, humiliating, demeaning, or sexually offensive working, academic, residential, or social environment under both an objective and subjective standard.

Sexual harassment also includes harassment based on gender, sexual orientation, gender identity, or gender expression, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex/gender or sex/gender-stereotyping, even if the acts do not involve conduct of a sexual nature.

A single, isolated incident of sexual harassment alone may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to create a hostile environment, particularly if the harassment is physical.

Sexual harassment can take many forms. Sexual harassment may:

- include, but is not limited to sexual advances or request for sexual favors, inappropriate comments, jokes or gestures, or other unwanted verbal or physical conduct of a sexual nature.
- be blatant and intentional and involve^[11] an overt action, a threat of reprisal, or may be subtle and indirect, with a coercive aspect that is unstated.
- not include intent to harm, be directed at a specific target, or involve repeated incidents.
- be committed by anyone, regardless of gender, age, position, or authority. While there is often a power differential between two persons, perhaps due to differences in age, social, educational, or employment relationships, harassment can occur in any context.
- be committed by a stranger, an acquaintance, or someone with whom the complainant has an intimate or sexual relationship.
- be committed by or against an individual or may be a result of the actions of an organization or group.
- occur by or against an individual of any sex, gender identity, gender expression, or sexual orientation.
- occur in the classroom, in the workplace, ^[11]in residential settings, over electronic media (including the internet, telephone, and text), or in any other setting.
- be a one-time event or part of a pattern of behavior.
- be committed in the presence of others or when the parties are alone.
- affect the complainant and/or third parties who witness or observe the harassment.

Sexually harassing behaviors differ in type and severity. Key determining factors are that the behavior is unwelcome, is sex or gender-based, and is reasonably perceived as offensive and objectionable under both a subjective and objective assessment of the conduct.

B. Sexual assault

Sexual assault is intentional sexual contact with another person without that person's consent.

- *Non-consensual sexual touching* includes contact with the intimate parts of another, causing another to touch one's intimate parts, or disrobing or exposure of another without permission. Intimate parts ^[11]_[SEP] may include the breasts, genitals, buttocks, groin, mouth, or any other part of the body that is touched in a sexual manner.
- *Non-consensual sexual penetration* includes vaginal or anal penetration, however slight, with a body part (e.g., penis, tongue, finger, hand, etc.) or object, or oral penetration involving mouth-to-genital contact.

Intentional is defined as knowingly and/or recklessly engaging in sexual contact without an individual's consent and does not include accidental contact. Being intoxicated or impaired by drugs or alcohol is never an excuse for sexual misconduct in any form and does not negate one's intent or diminish one's responsibility to obtain informed and freely given consent. (See *Related Definitions* for a description of *Consent*.)

C. Sexual exploitation

Sexual exploitation is an act or acts committed through non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other non-legitimate purpose. The act or acts of sexual exploitation are prohibited even though the behavior does not constitute one of the other sexual misconduct offenses.

Examples of sexual exploitation include:

- observing another individual's nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved;
- non-consensual streaming of images, photography, video, or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all parties involved;
- prostituting another individual;
- exposing another's genitals in non-consensual circumstances;
- knowingly exposing another individual to a sexually transmitted disease or virus without that individual's knowledge; and
- inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

D. Intimate-partner violence, including Dating Violence and Domestic Violence

Intimate-partner violence includes dating violence, domestic violence, and relationship violence, includes any act of violence or threatened act of violence against a person who is, or has been involved in, a sexual, dating, domestic, or other intimate relationship with that person. It may involve one act or an ongoing pattern of behavior.

Intimate-partner violence can encompass a broad range of behavior, including, but not limited to, physical violence and sexual violence. Intimate-partner violence may take the form of threats, assault, property damage, or violence, or threat of violence to oneself, one's sexual or romantic partner, or to the family members or friends of the sexual or romantic partner.

Dating violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the alleged victim. The existence of such a relationship will be determined based on the reporting party's statement, taking into consideration the following factors: a) the length of the relationship, b) the type of relationship, and c) the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical violence or the threat of such violence.

Domestic violence is violence committed by a current or former spouse, or sexual or intimate partner of the alleged victim, a person who is living as a spouse or who lived as a spouse with the alleged victim, parents and children, other persons related by blood or marriage, or by a person with whom the alleged victim shares a child in common. Under the criminal laws of Pennsylvania certain offenses, including but not limited to, rape, aggravated assault and stalking, can be deemed domestic violence depending on the relationship of the parties involved.

E. Indecent exposure

A person commits *indecent exposure* if that person exposes their genitals in any public place or in any place where there are other persons present under circumstances in which one knows or should know that this conduct is likely to offend, affront, or alarm.

F. Retaliation

Retaliation is any act or attempt to retaliate against or seek retribution from any individual or group of individuals involved in the investigation and/or resolution of a sexual misconduct allegation. Retaliation can take many forms, including continued abuse or violence, threats, and intimidation. Any individual or group of individuals, not just a complainant or respondent, can engage in retaliation.

G. Stalking

Stalking occurs when a person engages in a course of conduct or repeatedly communicates and/or commits acts toward another person, including following the person without proper authority, under circumstances that demonstrate or communicate either of the following:

- an intent to place the other person in reasonable fear of bodily injury; or
- an intent to cause substantial emotional distress to the other person.

A course of conduct is when a person engages in two or more acts that include, but are not limited to, acts in which the stalker directly, indirectly, or through third parties, by

any action, method, device, or means, follows, monitors, observes, surveys, threatens, or communicates to or about a person in a prohibited way, or interferes with a person's property.

Stalking includes the concept of cyberstalking, a particular form of stalking in which electronic media such as the Internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used to pursue, harass, or to make unwelcome contact with another person in an unsolicited fashion.

Examples of stalking include:

- unwelcome and repeated visual or physical proximity to a person;
- repeated oral or written threats;
- extortion of money or valuables;
- unwelcome/unsolicited written communication, including letters, cards, emails, instant messages, and messages on online bulletin boards;
- unwelcome/unsolicited communications about a person, their family, friends, or co-workers; or
- sending/posting unwelcome/unsolicited messages with an assumed identity; or
- implicitly threatening physical contact;
- or any combination of these behaviors directed toward an individual person.

Other misconduct that is sex or gender-based, or in the context of an intimate partner relationship including:

H. Bullying and intimidation

Bullying includes any intentional electronic, written, verbal, or physical act or a series of acts of physical, social, or emotional domination that cause physical or emotional harm to another student or group of students. Bullying conduct may not only cause a negative effect on individuals targeted but also others who observe the conduct. Bullying conduct is severe, persistent, or pervasive and has the effect of doing any of the following:

- substantially interfering with a community member's education, employment, or full enjoyment of the college;
- creating a threatening or intimidating environment; or
- substantially disrupting the orderly operation of the College. Bullying is prohibited, and participating in such acts will result in disciplinary action.

Intimidation is any verbal, written, or electronic threats of violence or other threatening behavior directed toward another person or group that reasonably leads the person(s) in the group to fear for her/his physical well-being. Intimidation is prohibited and will result in disciplinary action.

Anyone who attempts to use bullying or intimidation to retaliate against someone who reports an incident, brings a complaint, or participates in an investigation in an attempt to

influence the student conduct process will ^{[[]]}_{SEP} be in violation of retaliation as described within this handbook and will be subject to disciplinary action.

When acts of bullying and intimidation occur in the context of intimate-partner violence or when the behavior is perpetrated on the basis of sex or gender, the conduct will be resolved under the *Sexual Assault and Harassment Policy*.

I. Physical assault

Physical assault is a purposeful action meant to hurt another person. Examples include, but are not limited to, kicking, punching, hitting with or throwing an object, or biting. When these acts occur in the context of intimate-partner violence or when the behavior is perpetrated on the basis of sex or gender, the conduct will be resolved under the *Sexual Assault and Harassment Policy*.

J. Discrimination

Discrimination under this Policy is defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of sex, gender identity or expression, or sexual orientation. (For full list of protected classes and additional resources, see Notice of Non-Discrimination.)

VI. Related definitions

A. Reporting person

Any person who makes a report to the Title IX Coordinator or Deputy Title IX Coordinator about sexual misconduct and is seeking resources or support in response to sexual misconduct.

B. Complainant

Any member of the College community seeking a formal disciplinary process in response to sexual misconduct.

C. Respondent

Any member of the College community who has been alleged to have violated the *Sexual Assault and Harassment Policy*.

D. Consent

Consent to engage in sexual activity must be knowing and voluntary; it must exist from the beginning to end of each instance of sexual activity and for each form of sexual contact. Consent should not be assumed. Consent is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage freely in sexual activity. Either party may withdraw consent at any time. Withdrawal of consent should be outwardly demonstrated by words or actions that clearly indicate a desire to end sexual activity. Once withdrawal of consent has been expressed, sexual activity must cease immediately.

Guidance for assessing consent:

- Prior to initiating any sexual activity, the person(s) initiating and/or continuing the sexual activity is expected to obtain consent. If at any time during the sexual activity, any confusion or ambiguity arises, individuals should pause and seek clarification regarding consent. Consent to one form of sexual activity does not constitute consent to engage in all forms of sexual activity.
- Consent consists of an outward demonstration indicating that an individual has freely chosen to engage in sexual activity. Relying on non-verbal communication can lead to misunderstandings. Consent should not be inferred solely from silence, passivity, lack of resistance, or lack of an active response alone. A person who does not physically resist or verbally refuse sexual activity is not necessarily giving consent.
- Consent to previous sexual activity and/or in the context of an intimate relationship does not presume consent is given in any subsequent sexual encounter.
- Consent is not effective if it results from the use or threat of physical force, intimidation, or coercion, or any other factor that would eliminate an individual's ability to exercise their own free will.
- Consent cannot be obtained from an individual who is incapacitated. A full discussion of Incapacitation follows in section G below.
- In the Commonwealth of Pennsylvania, the age of majority is 18. Under state law, consent cannot be given by minors under the age of 13 and can only be given by a minor under the age of 16, if the other party is fewer than four (4) years older than the minor.

E. Force

Force is the use or threat of physical violence or intimidation to overcome an individual's freedom of will to choose whether or not to participate in sexual activity. There is no requirement that a party resists the sexual advance or request, but resistance will be viewed as a clear demonstration of non-consent.

F. Coercion

Coercion is the use of pressure to compel another individual to initiate or continue sexual activity against an individual's will. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail. A person's words or conduct are sufficient to constitute coercion if they wrongfully impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity.

Examples of coercion:

- Threatening to "out" someone based on sexual orientation, gender identity, or gender expression.

- Threatening to harm oneself if the other party does not engage in the sexual activity.

G. Incapacitation

Incapacitation describes an individual who lacks the ability^[SEP] to make informed, rational judgments and cannot consent to sexual activity. Incapacitation is defined as the inability, temporarily or permanently, to give consent because the individual is mentally and/or physically helpless, asleep, unconscious, or unaware that sexual activity is occurring.

Incapacitation may result from the use of alcohol and/or drugs. Incapacitation is a state beyond drunkenness or intoxication. The impact of alcohol and other drugs varies from person to person.

Warning signs that a person may be approaching incapacitation may include:

- slurred speech
- vomiting
- unsteady gait
- odor of alcohol
- combativeness
- emotional volatility

Guidance for evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs affects an individual, with respect to:

- decision-making ability
- awareness of consequences
- ability to make informed judgments
- capacity to appreciate the nature and the quality of the act

Evaluating incapacitation also requires an assessment of whether a respondent should have been aware of the complainant's incapacitation based on objectively and reasonably apparent indications of impairment when viewed from the perspective of a sober, reasonable person in the respondent's position.

In general, the College considers sexual contact^[SEP] while under the influence of alcohol or other drugs to be risky behavior. Alcohol and drugs impair a person's decision-making capacity, awareness of consequences, and ability to make informed judgments. It is especially important, therefore, that anyone engaging in sexual activity be aware of the other person's level of intoxication. If there is any doubt as to the level or extent of the other individual's intoxication or impairment, the prudent course of action is to forgo or cease any sexual contact or activity.

VII. Role of the Title IX Coordinator

The Title IX coordinator oversees the College's centralized review, investigation, and resolution of reports of sexual misconduct. The coordinator also coordinates the College's compliance with

Title IX. The Title IX coordinator can be contacted by telephone, email, or in person during regular office hours.

Title IX Coordinator, Bindu K. Jayne, 504 Fieldhouse Lane, 610-690-3720, bjayne1@swarthmore.edu.

The Title IX coordinator is:

- responsible for oversight of the investigation and resolution of all reports of sexual misconduct;
- knowledgeable and trained in relevant state and federal laws and College policy and procedures;
- available to advise any individual, including a complainant, a respondent, or a third party, about the courses of action available at the College, both informally and formally;
- available to provide assistance to any College community member regarding how to respond appropriately to reports of sexual misconduct;
- responsible for oversight of sexual violence prevention education and employee training;
- responsible for monitoring full compliance with all requirements and timelines specified in the complaint procedures; and
- responsible for compiling annual and semiannual reports.

In addition, trained deputy Title IX coordinators are also available to offer assistance (see Resources section for more information).

VIII. Resources

A. Overview

The College is committed to treating all members of the community with dignity, care, and respect. Any individual affected by sexual misconduct, whether as a victim/survivor, complainant, respondent, or third party, will have equal access to support and counseling services through the College. The College recognizes that deciding whether to make a report and choosing how to proceed can be difficult decisions. The College encourages any individual who has questions or concerns to seek the support of campus and community resources. These professionals can provide information about available resources, procedural options, and assistance to any party in the event that a report and/or resolution under this policy are pursued. Individuals are encouraged to use all available resources, regardless of when or where the incident occurred and whether it is reported to the College or law enforcement.

Information about on- and off-campus resources are included in the *Sexual Assault and Harassment Policy*, including counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, interim measures, and other services available to victims, both within the institution and in the community. In general, all interim measures that require action by the College are implemented through the Title IX Coordinator. The confidential advocate can also assist with referrals to

medical assistance, counseling, campus resources, and provide detailed information about other interim measures available.

B. Education and prevention programs

Swarthmore College as a community is committed to the prevention of sexual misconduct through education and awareness programs. Throughout the year, programs designed to promote awareness are presented by a variety of inclusive campus resources. Swarthmore College's Title IX Coordinator works with the Violence Prevention Educator/Advocate and the Title IX prevention and education team to tailor programming to meet campus needs and climate. Prevention and education programs include an overview of the College's policies and procedures; relevant definitions, including prohibited conduct; discussion of the impact of alcohol and illegal drug use; effective consent; safe and positive options for bystander intervention; and information about risk reduction, resources, and reporting options.

Incoming first-year students and new employees^[SEP] will receive primary prevention and awareness programming as part of their orientation. Returning students and employees will receive ongoing training on a periodic basis.

C. Emergency support services for sexual misconduct and/or intimate partner violence

The College encourages all individuals to seek assistance from a medical provider and/or law enforcement as soon as possible after an incident of sexual misconduct. This option can provide for physical safety, emotional support, and medical care to the victim/survivor. It is the best option to ensure medical care, if necessary, and may assist in an investigation by preserving potential evidence. The College will offer to escort any Swarthmore community member to a safe place, provide transportation to the hospital, assist in coordination with law enforcement, and provide information about the College's resources and complaint processes.

Assistance is available from the College and local law enforcement 24 hours a day, year-round, by calling the Department of Public Safety and/or the Swarthmore Borough Police Department. Any individual can request that a member of the Department of Public Safety and/or Swarthmore Borough Police respond and take a report. The College can also assist individuals in obtaining a Protection from Abuse (PFA) order, Sexual Violence Protection order, or Protection from Intimidation order (for minors) from local Pennsylvania authorities. The College can also assist with obtaining orders outside of Pennsylvania. We request that all College community members who obtain a protection order notify Public Safety to enable the College to provide appropriate assistance. The College will comply with and implement applicable restrictions described in any court-issued protection order.

An individual can also contact a Worth Health Center nurse or nurse practitioner (during the academic year) and/or a local medical provider 24 hours/day.

Emergency response resources

- **Department of Public Safety** 610-328-8333, Ben West House, publicsafety@swarthmore.edu; Public Safety officers are available 24/7/365 to respond to emergency/crisis incidents as well as non-emergency reports. Public Safety staff can assist with medical escorts, connecting students to CAPS after hours, the on-call dean's division staff, or an on-call nurse. They can provide assistance with contacting Swarthmore Police Department to make a report to law enforcement or obtain a Protection from Abuse order. The Ben West House can provide a safe space that is always open and staffed 24 hours a day.
- **911**
- **Swarthmore Borough Police Department** 610-543-0123, 121 Park Ave. Swarthmore, PA 19081
- **Delaware County Women Against Rape (WAR)** 610-566-4342 (24-hour hotline)
- **Domestic Abuse Project of Delaware County (DAP)** 610-565-4590

D. On-campus resources

1. Confidential resources

For individuals who are seeking confidential consultation and support, there are several resources available on campus. The trained professionals designated below can provide counseling, information, and support under legally protected confidentiality. Because these relationships involve privileged conversations, these confidential resources will not share information with the Title IX Coordinator or any other employee of the College without the individual's express permission. They may, however, submit non-identifying aggregate information (nature, date, time, and general location of the incident) about the incident for purposes of making a statistical report under the Clery Act.

- **Worth Health Center**
- **Student Health and Wellness** (daytime): 610-328-8058; (after-hours): 610-328-8548; Student Health and Wellness is available 24 hours a day (during the academic year) to assist students as a confidential resource. The Student Health and Wellness confidential staff includes: nurse practitioners, registered nurses, physicians, victim advocate, and alcohol and drug counselor. An after-hours on-call system provides students with access to a registered nurse for confidential consultation and referral. Student Health and Wellness can provide the option to any victim/survivor to be evaluated by a nurse to conduct a physical examination and offer to connect them with confidential counseling resources including the campus advocate, CAPS and/or the local rape crisis and/or domestic violence centers. The primary purpose of the medical evaluation is to check for physical injuries and reduce risk of pregnancy, as appropriate, or complications from sexually transmitted infections as a result of the

assault. Student Health and Wellness does not provide a Sexual Assault Nurse Examiner (SANE).

- **Victim Advocate**, Hillary Grumbine, Violence Prevention Educator and Advocate 610-328-8538, hgrumbi1@swarthmore.edu; the Violence Prevention Educator and Advocate is a confidential source of support and advocacy for issues related to sexual assault, sexual harassment, relationship violence, and stalking. They are available to provide information and referrals, and can assist victims in navigating the different resources available both on and off campus. Additionally, they are available to provide support and guidance to friends and family of victims. They are also responsible for working with the Title IX Coordinator to provide campus wide education via programs, events, trainings and workshops.
- **Alcohol and Other Drugs (AOD) Counselor and Educator**, Josh Ellow 610-328-8058, jellow1@swarthmore.edu; the AOD Counselor and Educator provides individual and group services. All AOD supports are student-centered and tailored to the individual needs of each case.
- **Counseling & Psychological Services (CAPS)** 610-328-8059; after-hours: call Public Safety 610-328-8333; CAPS offers a wide range of free and confidential services in a safe space to help students who have experienced violence or trauma of any kind. Initial consultation, individual and group counseling, crisis intervention, and medication reviews are available. In the event of an acute psychological crisis, consultation is available on a walk-in basis during open hours, or by proceeding to Public Safety, in Benjamin West, after hours for a telephone consult with CAPS on-call.
- **Religious and Spiritual Life** 610-328-8328, Sproul Hall 108; These individuals act as religious counselors to provide spiritual guidance along with confidential support on a range of matters. In this policy, “religious counselor” is synonymous with “pastoral counselor” as defined by the U.S. Department of Education and refers to a person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor. (See The Handbook for Campus Safety and Security Reporting, U.S. Department of Education, p. 77, 2011.)
- **Employee Assistance Program** 1-800-437-0911; Carebridge is available to provide confidential consultation and referral services to help benefit eligible employees and their families. It is available 24/7.

2. Additional campus resources

In addition to the confidential resources listed above, Swarthmore community members have access to a variety of resources provided by the College. The professionals listed below are trained to support individuals affected by sexual misconduct and to coordinate with the Title IX coordinator consistent with the College's commitment to a safe and healthy educational environment. While not bound by confidentiality, these resources will maintain the privacy of an individual's information within the limited circle of those involved in the Title IX resolution process.

The Title IX coordinator and deputies:

- Title IX Coordinator Bindu K. Jayne, 504 Fieldhouse Lane, 610-690-3720, bjayne1@swarthmore.edu
- Deputy Title IX Coordinator Nora Johnson, Provost's Office, 610-328-8188, LPAC 303, njohnso1@swarthmore.edu
- Vice President for Human Resources, Pamela Prescod-Caesar, 101 South Chester Rd., 610-328-8397, ppresco1@swarthmore.edu
- Deputy Title IX Coordinator Isaiah Thomas, director of residential communities, Dean's Office, Parrish Hall LL76, 610-957-6113, ithomas1@swarthmore.edu
- Deputy Title IX Coordinator Nnenna Akotaobi, associate director of athletics and senior woman administrator, Physical Education & Athletics, Athletics [11]Fieldhouse 161, 610-328-8222 nakotao2@swarthmore.edu

Dean's Division

The Swarthmore College V.P. and Dean of Students office oversees the academic support, residential, and social resources available to students at the College. Students are encouraged to reach out to the staff of the Dean's Office for academic affairs and support, and disability services. A student's dean can help them access all resources in the dean's division.

Department of Public Safety

Public Safety officers are available 24/7/365 to respond to emergency/crisis incidents as well as non-emergency reports. Public Safety staff can assist with medical escorts, connecting students to CAPS after hours, the on-call dean's division staff, or an on-call nurse. They can provide assistance with contacting Swarthmore Police Department to make a report to law enforcement or obtain a Protection from Abuse order. The Ben West House can provide a safe space that is always open and staffed 24 hours a day.

- In case of emergency, call x8333 or 610-328-8333 from off-campus.
- For general business, call x8281 or 610-328-8281 from off-campus.

E. Off-Campus Resources

1. Community medical providers.

A medical provider, such as Riddle Memorial Hospital, Crozer-Chester Medical Center, or Springfield Hospital, can provide emergency and/or follow-up medical services and provide a forum to discuss any health care concerns related to the incident in a confidential medical setting. These are the current local hospitals, which identify as having Sexual Assault Nurse Examiners (SANE) trained to work to collect evidence in a manner consistent with evidence-collecting requirements in Pennsylvania.

If the incident involves a sexual assault that happened within 72 to 96 hours, the victim/survivor has the option and is encouraged to have evidence collected and preserved by a Sexual Assault Nurse Examiner (SANE) at a local hospital. Preserving the evidence can be used if the victim/survivor chooses to seek resolution through the campus complaint process or take criminal action. If the victim/survivor chooses^[L]_[SEP] to have evidence collected, they can be escorted to the nearest hospital by the Department of Public Safety or will be transported by taxi (voucher provided by either Student Health and Wellness or Public Safety) to^[L]_[SEP] the medical provider of the victim/survivor's choice. The victim/survivor can later return to Student Health and Wellness for follow-up medical care.

Under Pennsylvania law, a medical provider may^[L]_[SEP] be required to notify law enforcement of a sexual assault under certain circumstances. The medical provider, however, will share limited information with law enforcement, and a complainant may decline to speak with a law enforcement officer or participate in a criminal prosecution. The medical provider will typically also notify the local rape crisis-counseling center, Delaware County Women Against Rape (WAR).

- **Crozer-Chester Medical Center** 610-447-2000, 1 Medical Center Blvd., Chester, Pa. 19013 (3.5 miles)
- **Riddle Memorial Hospital** 484-227-9400, 1068 W. Baltimore Pike, Media, Pa. 19063 (7.5 miles)
- **Springfield Hospital** 610-328-8700, 190 W. Sproul Road, Springfield, Pa. 19064 (3 miles)
- **Mazzoni Center** 215-563-0652 or^[L]_[SEP] 215-563-0658, 809 Locust St. Philadelphia, Pa. 19107 (<http://mazzonicenter.org>); a lesbian, gay, bisexual, and transgender (LGBT) health care and wellness center with two locations in Center City Philadelphia. At its location on 21 S. 12th St., 8th floor, this organization provides counseling and behavioral health, case management, legal services, prevention and education, housing, and food-bank services. Comprehensive primary health care services focusing on the needs of LGBT individuals are located at the Mazzoni Center Family & Community Medicine.

2. Off-campus confidential resources

- **Delaware County Women Against Rape (WAR)** 610-566-4342 (24-hour hotline); offers comprehensive direct services^[L]_[SEP] to victims/survivors of sexual assault including a 24-hour hotline, accompaniment services, counseling services, and assistance with victim compensation. All direct victim services are free and confidential.
- **Domestic Abuse Project (DAP) of Delaware County** 610-565-4590, 14 West Second St., Media, PA 19063; DAP provides immediate crisis intervention, safety planning, and information and referral on their 24/7 hotline. Staff offers short and long-term supportive/educational counseling, as well as therapeutic counseling designed to address the emotional barriers that make it difficult to leave an abusive relationship.

3. Off-campus legal assistance

- Center for Gay/Lesbian Civil Rights
- Delaware County Bar Association
- Delaware County Women Against Rape (WAR)
- Legal Aid of Southeastern Pennsylvania
- Philadelphia Legal Assistance
- Women Against Abuse Legal Center
- Women's Law Project

IX. Reporting

A. Overview

The College encourages all community members to report sexual misconduct in order to obtain assistance and maintain a safe campus environment. As outlined in *Emergency support services in the event of sexual misconduct and/or intimate partner violence* in the Resources section of this policy, the College encourages all individuals to immediately seek assistance from law enforcement, Public Safety, a medical provider, and/or a victim advocate. All Swarthmore community members, even those who are not obligated by the College's *Sexual Assault and Harassment Policy*, are strongly encouraged to report information regarding any incident of sexual misconduct to the Title IX coordinator. To the best of its ability, the College will respond to every report it receives. Anonymous or third-party reports may limit the response the College can provide.

The Title IX coordinator is charged with responding to allegations of sexual misconduct to stop the behavior, prevent its recurrence, and remedy its effects. Specifically the Title IX coordinator, or their deputy designee, will coordinate the initial assessment, offer resources and support, and initiate an investigation when appropriate and/or requested.

B. Employee reporting obligations

With the exception of those employees who have recognized confidentiality **all College employees, including faculty, staff, administrators, and student employees or volunteers who have responsibility for the welfare of other students, are required to share with the Title IX coordinator any report of sexual misconduct about which they become aware.** Such employees are designated “responsible employees” under Title IX. These employees must promptly share all details of the reports they receive.

The College will generally not investigate information and statements provided in classroom writing assignments or discussions, research projects, or community public awareness events related to issues of sexual misconduct, unless the reporting party clearly indicates that they wish a report to be made. During such situations and if appropriate, the Title IX coordinator or designee will provide the person making the statement with campus and community resources.

Those employees with reporting obligations, do not need to report when incidents of sexual misconduct are communicated during a classroom discussion, in a writing assignment for a class, or as part of a research project.

Student employees who are required to share reports with the Title IX coordinator include, for example, resident assistants (RAs), student academic mentors (SAMs), diversity peer advisors (DPAs), and SWATeam. These individuals are required to share with the Title IX coordinator all information about which they are aware, including the identities of the parties in the sexual misconduct, if known.

As outlined in the *Statement Regarding Privacy* (section IV of this policy), the College respects the privacy interests of students, faculty, and staff. Information reported to the Title IX coordinator or deputy will only be shared with those College officials who will assist in responding, investigating, and/or resolving a complaint. The College will document non-identifying information in the campus incident log. Should the College determine there is a serious or imminent threat, a timely warning notice will be shared with the community.

The Title IX coordinator will ensure that the College responds to all reports in a timely, fair, effective, and consistent manner. To do so, the Title IX coordinator may consult with members of the Title IX assessment team, which consists of the Title IX coordinator, deputy Title IX coordinators, associate V.P. and Dean of Students, public safety, and others as applicable. The Title IX assessment team assists the Title IX coordinator with the review, investigation, and/or resolution of all reports to ensure consistent responses, support individuals involved, and protect^{[[SEP]]} the College community.

The College will approach each report with an earnest intent^{[[SEP]]} to understand the perspective and experiences of each individual involved to ensure fair and impartial evaluation and resolution. The College will also take every effort to ensure the safety of the campus community when evaluating and assessing any reported sexual misconduct.

C. Making a report vs. Filing a complaint

A report is defined as notification of an incident of sexual misconduct to the Title IX coordinator by any responsible employee or reporting person. A report may be accompanied by a request for resources, no further action, remedies-based resolution, and/or to initiate a formal complaint process. Filing a complaint is the request to initiate the College's formal disciplinary process.

At the time a report is made, a reporting person does not have to decide whether to file a complaint. The College recognizes that not every individual will be prepared to file a complaint with the College or law enforcement, and individuals are not expected ^[1]_[SEP] or required to pursue a specific course of action. Choosing to make a report and deciding how to proceed after making the report can be a process that unfolds over time. To the extent possible, the College will respect an individual's autonomy in making these important decisions and provide support that will assist each individual in making that determination. A report may become a formal complaint, either initiated by the complainant or the College depending on the outcome of the Title IX assessment.

To file a complaint, please contact the Title IX coordinator or a Deputy Title IX coordinator.

D. Campus reporting options

The College recognizes that any member of the community may choose to report sexual misconduct to any College employee. For example, a student may choose to confide in a class dean, a resident assistant (RA), a faculty member, or a coach. A faculty/staff member may choose to confide in a supervisor or colleague. However, under this policy, any employee, other than those deemed confidential by law, who receives a report of sexual misconduct, is required to share the report with the Title IX coordinator. All members of the College community are encouraged to go directly to the Title IX coordinator with reports of or concerns about sexual misconduct.

Campus reporting options

- Title IX Coordinator Bindu K. Jayne, 504 Fieldhouse Lane, 610-690-3720, bjayne1@swarthmore.edu
- Title IX Project Manager, Chelsey Eiel, 504 Fieldhouse Lane, 610-690-3720, ceiel1@swarthmore.edu
- Deputy Title IX Coordinator for faculty, Nora Johnson, Provost's Office, 610-328-8188, LPAC 303, njohnso1@swarthmore.edu
- Vice President for Human Resources, Pamela Prescod-Caesar, 101 South Chester Rd., 610-328-8397, ppresco1@swarthmore.edu
- Deputy Title IX Coordinator for students, Isaiah Thomas, director of residential communities, Dean's Office, Parrish Hall LL76, 610-957-6113, ithomas1@swarthmore.edu

- Deputy Title IX Coordinator for athletics, Nnenna Akotaobi, associate director of athletics and senior woman administrator, Physical Education and Athletics, Athletics^[L]_[SEP], Fieldhouse 161 | 610-328-8222 nakotao2@swarthmore.edu
- Department of Public Safety, Benjamin West House, emergency 610-328-8333 non-Emergency 610-328-8281 publicsafety@swarthmore.edu.
Public Safety officers are available 24/7/365 to respond to emergency/crisis incidents as well as non-emergency reports. Public Safety staff can assist with medical escorts, connecting students to CAPS after hours, the on-call dean's division staff, or a nurse on-call. They can provide assistance contacting Swarthmore Police Department to make a report to law enforcement or obtain a Protection from Abuse order. The Ben West House is a safe space that is always open and staffed 24 hours a day.

E. Reporting to law enforcement

In addition to a College response, the College also encourages complainants to pursue criminal action for incidents of sexual misconduct that may also be crimes under Pennsylvania criminal statutes or the applicable criminal statute of the jurisdiction. The College will assist a complainant, at the complainant's request, in contacting local law enforcement and will cooperate with law enforcement agencies if a complainant decides to pursue the criminal process to the extent permitted by law. Except where the complainant is younger than 18 years old, the College will generally respect a complainant's choice to report an incident to local law enforcement, unless the College determines that there is an overriding issue with respect to the safety or welfare of the College community. Where a report involves suspected abuse of a minor younger than 18, the College is required ^[L]_[SEP]by state law to notify law enforcement and/or the Pennsylvania Department of Public Welfare Division of Child Welfare Services.

The College's policy, definitions, and burden of ^[L]_[SEP]proof may differ from Pennsylvania criminal law. A complainant may seek resolution through the College's complaint process, may pursue criminal action, may choose one but not the other, or may choose both. Neither law enforcement's determination to prosecute a respondent nor the outcome of any criminal prosecution is determinative of whether sexual assault or harassment has occurred under this policy. Proceedings under the College's Sexual Assault and Harassment Policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings and such timing will be determined by the Title IX coordinator in consultation with the Title IX assessment team.

F. Third-party reporting

Any individual may make a report concerning an act of sexual misconduct. An individual who is not a responsible employee may report the incident without disclosing or identifying parties involved. Depending on the level of information available about the incident or the individuals involved, the College may be limited in its ability to respond.

The College has created an online reporting form, which can be found on the Office of the Title IX Coordinator website. All reports of sexual misconduct will go to the Title IX coordinator for review and appropriate response and action. The Title IX coordinator or

their designee will respond to all reports submitted. The College will ensure that third-party reports are reviewed and considered for compliance with the Clery Act.

G. Reporting considerations

1. Timeliness of report, location of incident

Complainants and third-party witnesses are encouraged to report sexual misconduct as soon as possible in order to maximize the College's ability to respond promptly and effectively. The College does not, however, limit the timeframe for reporting. If the respondent is no longer a student or employee, the College may not be able to take disciplinary action against the respondent, but it will still seek to meet its Title IX obligation by taking steps to end the behavior prevent its recurrence, and address its effects. An incident does not have to occur on campus to be reported to the College. Off-campus conduct is covered under this policy.

2. Amnesty for personal use of alcohol or other drugs

The College seeks to remove any barriers to reporting. The College will generally offer any student, complainant, third party, and/or witness who reports sexual misconduct limited immunity from being charged for violations related to the College's alcohol or other drugs policy, provided that any such violations did not and do not place the health and safety of any person at risk. The College may choose, however, to recommend educational or therapeutic remedies in certain situations.

3. Statement against retaliation

As stated above, retaliation is a violation of College policy. The College recognizes that retaliation can take many forms, may be committed by or against an individual or a group, and that all parties to a complaint, including the complainant and respondent, as well as third parties such as witnesses may be the subject of retaliation by another individual. All such forms of retaliation are prohibited and should a complainant, respondent, or third party suspect retaliation they are encouraged to report the behavior to the Title IX coordinator. An individual reporting sexual misconduct is entitled to protection from any form of retaliation following a report made in good faith, even if the report is not later substantiated.

4. False reporting

The allegation of sexual misconduct may have severe consequences and therefore the College takes very seriously the validity of reported information. An individual who makes a report that is later found to have been intentionally false or made maliciously without regard for the truth may be subject to disciplinary action. This provision does not apply to reports made in good faith, even if the facts alleged in the report are not substantiated by an investigation. Similarly, a party or witness who is later proven to have intentionally given false information during the course of an investigation or resolution may be subject to disciplinary action.

H. Reports involving minors

Any Swarthmore College employee who has reasonable cause to suspect abuse of a child (an individual under the age of 18) that the employee ^[L]_{SEP} has come into contact with during the course of employment must make a report to the Department of Public Safety, which will facilitate a report to local law enforcement and the Pennsylvania Department ^[L]_{SEP} of Public Welfare division of Child Welfare Services. This requirement applies to an employee's suspicion of past or present abuse of a person who is a child at the time of the report. All other members of the Swarthmore College community (students, visitors, guests, etc.) are strongly encouraged to report whenever child abuse is suspected.

In the interest of protecting the safety and welfare of a child, any uncertainty about whether reporting is required or whether abuse has actually occurred should always be resolved in favor of making a report. **Do not** investigate, attempt to obtain proof, or try to solicit information from the child. This responsibility lies with the Pennsylvania Department of Human Services. **If the child is in immediate danger, please call 911 immediately.**

Follow these steps to make an immediate and direct report of suspected child abuse to the Pennsylvania Department of Human Services and to the College:

1. Submit an online report (preferred method): to the Pennsylvania Department of Human Services at www.compass.state.pa.us/cwis or call Pennsylvania's Child Line at 800-932-0313 (alternative method). *Please Note: If you call Childline, you must also submit a written report within 48 hours.*
2. Call Swarthmore College Department of Public Safety (610-328-8333) to inform Director of Public Safety Michael J. Hill, who serves as the College's designee for receiving reports of child abuse. The director of Public Safety will inform the appropriate College officials in order to ensure the safety of the Swarthmore College community.

Internal reports will be handled with discretion and in cooperation with the state's Department of Public Welfare or local authorities.

I. Reporting to external agencies

Inquiries or complaints about the College's response to a discrimination complaint or its application of Title IX may be directed to one of the following external agencies:

- U.S. Department of Education, Office for Civil Rights, 215-656-8541, OCR.Philadelphia@ed.gov
- U.S. Equal Employment ^[L]_{SEP} Opportunity Commission, 1-800-669-4000
- PA Human Relations ^[L]_{SEP} Commission, 215-560-2496

J. Time frames for resolution

The College seeks to resolve all complaints of sexual misconduct in a thorough, impartial, and unbiased manner. The duration of the investigation is strongly influenced by the availability and/or responsiveness of all involved parties, the complexity of the

circumstances of the complaint, and the College's academic calendar. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

At the request of law enforcement, the College may agree to defer its fact-gathering until after the initial stages of a criminal investigation. The College will nevertheless communicate with the complainant regarding Title IX rights, procedural options, and the implementation of interim measures to ensure safety and well-being. The College will promptly resume its fact-gathering as soon as law enforcement has completed its initial investigation.

K. Resolution Procedures

The College has jurisdiction over complaints based on Title IX and may take disciplinary action against a respondent who is a current student or employee. Disciplinary action against a respondent may only be taken through one of the College's resolution procedures. Because the relationship of students, staff, and faculty to the College differ in nature, the procedures that apply when seeking disciplinary action necessarily differ as well. Each of the procedures, however, is guided by the same principles of fundamental fairness and respect for all parties, which require notice, an equitable opportunity to be heard, and an equitable opportunity to respond to a report under this *SAHP*. The College will provide a prompt, fair, and impartial process from the initial assessment to the final outcome. All staff involved with the Sexual Assault and Harassment resolution processes, including investigators, deputies, case managers and adjudicators, receive inclusive annual training on the issues related to dating violence, domestic violence, sexual assault, sexual harassment and stalking, as well as how to conduct an investigation and adjudication process that protects the safety of victims and promotes accountability.

The procedure followed will be determined by the relationship of the respondent to the College:

- Complaints against a student will be resolved by the Procedures for Resolution of Complaints against Students.
- Complaints against a staff member, instructional staff member, including faculty will be resolved by the Procedures for Resolution of Complaints against Staff and Instructional Staff, including Faculty.
- Even if the offending individual is not a student or employee, the College will promptly and equitably respond to all reports of sexual misconduct in order to eliminate the misconduct, prevent its recurrence, and address its effects on any individual or the community.

The procedure followed will be determined by the relationship of the respondent to the College:

Procedures for Resolution of Complaints Against Students

This policy prohibits sexual misconduct of all forms, including sexual harassment, sexual assault, sexual exploitation, indecent exposure, intimate-partner violence, dating violence and domestic violence, retaliation, stalking, and other misconduct that is sex or gender based, or in the context of an intimate partner relationship including: bullying and intimidation, physical assault, and discrimination.

I. Scope

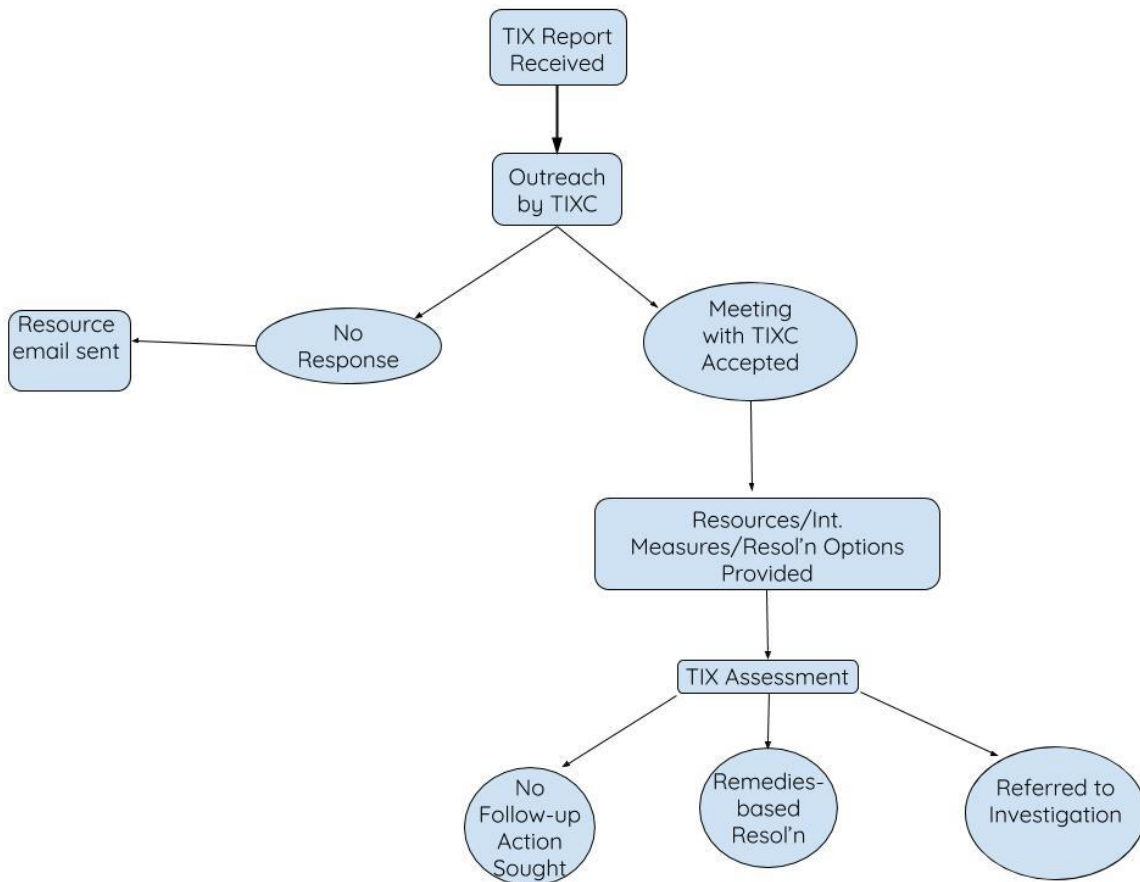
The *Sexual Assault and Harassment Policy* applies to all members of the College community, including students, employees, volunteers, independent contractors, visitors, or any individuals regularly or temporarily employed, studying, living, visiting, conducting business or having any official capacity at the College. The College has jurisdiction over complaints based on Title IX and may take disciplinary action against a respondent who is a current student or employee. The policy's full scope is described in the *Sexual Assault and Harassment Policy (SAHP)*. For a full description of policy intent, privacy/confidentiality issues, definitions of prohibited conduct and related definitions (i.e., consent), resources, reporting options, the roles of the Title IX coordinator and Title IX deputies, and policy timeframes, please see the full policy.

These specific procedures apply to complaints against students. Procedures for complaints against staff and instructional staff, including faculty, are set forth in the *Procedures for Resolution of Complaints Against Staff and Instructional Staff, Including Faculty*.

Any reference to a College administrator throughout these procedures refers to the named College administrator or their designee.

II. Overview of Title IX Procedures

Once a report is received, the College's response is informed by the reporting party's wishes and the safety of the campus community. Below is a simplified overview of the steps that are taken by the College when a report is received. A more detailed account of these procedures can be found in Section III.



III. Detailed Description of the Title IX Procedures

- A. Report Received by Title IX Office. Reports are received by the Title IX Office through a variety of sources. Typical sources of reports include faculty and staff members designated as “responsible employees” (see Section IX.B. in *SAHP* for more information on responsible employees), residential peer leaders, friends of the reporting party, or the reporting party directly. Individuals who wish to make a report of sexual misconduct are encouraged to make a report directly to the Title IX coordinator. Although a report may come in through many sources, the College is committed to ensuring that all reports of sexual misconduct are referred to the Title IX coordinator, which ensures consistent application of the *SAHP* to all individuals and allows the College to respond promptly and equitably to eliminate harassment, prevent its recurrence, and reduce its effects.

- B. Title IX Outreach. Upon receipt of a report, the Title IX coordinator or designee will provide resources and support information by contacting the potential complainant (hereafter referred to as the “reporting party”) and offering an initial meeting between the reporting party and the Title IX coordinator or designee (often a deputy Title IX coordinator). The initial meeting is optional and the reporting party may decline. The

purpose of the initial meeting is for the Title IX coordinator to gain a basic understanding of the nature and circumstances of the report and assess the need for any interim measures; it is not a full investigative interview. At this meeting, the reporting party will be provided with information about resources, interim measures, and resolution options.

C. Initial Meeting with Title IX Coordinator. During the initial meeting, the reporting party is able to bring a support person and is free to share as much or as little information about the underlying incident as they would prefer. The Title IX coordinator or designee(s) will discuss and provide the reporting party with a written explanation of their rights and options, whether the incident occurred on or off campus, including (as applicable):

- the right to report or decline to report the incident to law enforcement if the conduct is potentially criminal in nature. The College is available to assist in this process;
- the right to obtain a Protection from Abuse (PFA) Order from local authorities or request Contact Restrictions from the College;
- the right and importance of seeking medical treatment to address physical health and to preserve evidence;
- the right to file a complaint through the applicable College complaint resolution process;
- the right to request interim measures, including options for changes in living, academic, transportation, working situations;
- provide the reporting party with information about on- and off-campus resources, including support options and counseling;
- explain the College's policies for confidentiality and prohibiting retaliation, as described in the *SAHP*;
- explain the difference between confidential and non-confidential resources;
- obtain the reporting party's expressed preference for the manner of resolution and assess any barriers to proceeding;
- provide the reporting party with an explanation of the limitations on the College's response should the reporting party choose to remain anonymous;
- provide information about a case manager and information about an advisor of their choice;
- the right to receive an explanation of the formal complaint resolution process and the preponderance of the evidence standard of proof used to resolve the complaint ("more likely than not");
- the right to be provided a prompt, fair, and impartial investigation and resolution; and
- the right to receive an explanation of remedies-based resolutions.

D. Title IX Assessment. Using the information provided in the initial report and the information gathered during the preliminary meeting with the reporting party, the Title

Title IX coordinator will assess what interim measures and resolution options are available to the reporting party. The Title IX coordinator may enlist the Title IX Team and others to assist in this assessment. Members of this interdepartmental team may include the Title IX coordinator, deputy Title IX coordinators, members of the Dean’s division, or public safety. Depending on the relationship of the reporting party and the respondent (hereafter referred to as the “responding party”) to the College (student, staff, faculty, or other) and the nature of the report, additional team members may include human resources, the Provost’s office, or alumni relations.

During this assessment, the Title IX coordinator and assessment team members will make a reasonable assessment of the safety of the individual and of the campus community and will determine whether the College has sufficient information to determine an appropriate course of action. The Title IX assessment team will also consider the interests of the reporting party and the reporting party’s expressed preference for the manner of resolution in light of all available information. During the Title IX assessment, the Title IX coordinator or designee(s) will:

- assess the nature and circumstances of the allegation;
- address immediate physical safety and emotional well-being of the reporting party;
- assess safety concerns for the broader College community;
- determine if concerns exist for discrimination or harassment based on other protected classes;
- assess the reported conduct for the need for a timely warning notice under federal law;
- determine if past reports of similar conduct by responding party exist;
- determine if any issues of academic freedom exist which may be reviewed by the Provost or designee;
- If applicable, enter non-identifying information about the report into the College’s daily crime log, pursuant to federal law.

1. Assessing requests by reporting party to remain unidentified. In the event that a reporting party does not wish to participate, does not want the process to proceed and/or requests that identifiable information not be shared with the responding party, the Title IX coordinator, in consultation with the Title IX assessment team, as applicable, will decide, based on the available information, whether they can honor the request and whether additional steps are required. In making this decision, the Title IX assessment team will assess but is not limited to the following factors:

- the severity and impact of the sexual misconduct;
- the respective ages of the parties, including whether the complainant is a minor under the age of 18;

- whether the College can undertake any action without the participation of the reporting party;
- whether the responding party has been the subject of a previous report or complaint;
- the existence of independent evidence;
- the extent of prior remedial methods taken with the responding party; and
- any legal obligation to proceed based on the nature and/or severity of the conduct.

The College's ability to respond may be limited by a request to remain unidentified. The Title IX assessment team will take all reasonable steps to respond to a report consistent with a reporting party's request but must balance that request with its responsibility to provide a safe and non-discriminatory environment for all College community members and afford a responding party with fundamental fairness.

IV. Post-Assessment Options

A. Interim Measures

1. Overview. Upon receipt of a report of sexual misconduct, the College may offer and/or impose actions, referred to as interim measures, to immediately address the reported behavior. The College will maintain consistent contact with the parties to ensure that all safety, emotional, and physical well-being concerns are being addressed. The Title IX coordinator or a member of the Title IX assessment team will discuss the determination of interim measures with the reporting party and provide information to assist in understanding available resources and procedural options, which will be communicated to the reporting party in writing. Interim measures may be imposed regardless of whether a criminal or College formal complaint has been filed or at any time during the Title IX process.
2. Options for interim measures. The College, at its discretion, will implement interim measures that may be applied to the parties, as appropriate and reasonable within a small campus community. Interim measures may include, but are not limited to:
 - contact restrictions;
 - counseling services;
 - public safety escort to ensure safe movement on campus;
 - referral to medical or EMS services;
 - assistance with identifying off-campus resources;
 - assistance with transportation, parking, and/or travel needs;
 - assistance in obtaining a Protection from Abuse (PFA) Order;

- academic assistance, including academic support services, tutoring, alternative course completion options, rescheduling of exams and assignments, changing class schedules, transferring course sections or withdrawing from a course without penalty;
- change of work schedules, job assignments, and worksite location;
- change of student's College-owned housing; and assistance from College support resource staff in completing housing relocation;
- the option to restrict an individual's or organization's access to certain College facilities or activities pending resolution of the matter;
- voluntary leave of absence;
- College-imposed leave; and/or
- any other remedy that can be tailored to the involved individuals to achieve the goals of this policy.

These actions by the College are implemented through the Title IX coordinator or designee. The Violence Prevention Educator/Advocate can also assist with referrals to medical assistance, counseling, campus resources, and provide detailed information about the interim measures available.

3. College-imposed interim suspension or leave. If either the president or the V.P. and Dean of Students decides at any point that the safety of a student or of any member of the College community is at stake, an interim suspension may be imposed on a student who is suspected of violating the *Student Code of Conduct*, including the *SAHP*, (as outlined in the *Student Handbook*), any rules, regulations, or procedures of the College, or otherwise poses a risk of safety to the campus, until the time a student conduct resolution, disciplinary action, or an adjudication can be completed. This action assumes no determination of responsibility, and the student conduct process will occur expeditiously.
4. Implementing interim measures. The responding party will be notified in writing when the College implements interim measures that would impact a respondent, such as protective measures that restrict the responding party's movement on campus. The College will inform the parties that retaliation is prohibited by law under the Violence Against Women Act (VAWA) and College policy and that the College will take strong responsive action to protect the safety of any individual. If the College has determined that retaliation has occurred, it will not be tolerated and will result in disciplinary action.

The College has the discretion to modify any existing interim measures, with appropriate notice provided to all parties.

5. Failure to comply with interim measures. The College expects students to comply with directives related to interim measures under this policy. Allegations of failure to comply with interim measures may result in an adjudication within the College's *Student Code of Conduct*.

B. Remedies-based resolutions. Remedies-based resolutions are non-adjudication approaches designed to address the behavior of concern without taking disciplinary action against a responding party. Where the Title IX assessment concludes that remedies-based resolution may be appropriate, the College will take immediate and corrective action through the imposition of individual and community remedies.

Remedies-based resolutions are case-specific and are tailored to address the harms described by the reporting party and the impact on the community. Examples of potential remedies include some of the interim measures referenced above in Section IV.A. Other potential remedies include targeted or broad-based educational programming or training, communication with the responding party by the Title IX coordinator or other College administrator, or appropriate forms of restorative justice designed to help the reporting party identify their needs and the responding party repair harm and rebuild trust. Depending on the form of remedies-based resolution used, it may be possible for a reporting party to remain unidentified.

Remedies-based resolutions are typically sought prior to or in lieu of initiating the formal complaint process; however, remedies-based resolutions can be requested and considered at any time during the Title IX process.

A reporting party and responding party's participation in remedies-based resolution is voluntary and each party can end their own participation at any time. The decision to pursue remedies-based resolution, which may occur at any time, will be made when the College has sufficient information about the nature and scope of the underlying conduct. The Title IX coordinator may determine that additional remedies-based steps are appropriate.

V. Formal Complaint Process - Investigation

- A. Overview. After a Title IX assessment, the formal complaint process can be initiated by the College. Please note that once a formal complaint process is initiated the terms "complainant" and "respondent" are used to refer to the "reporting party" and "responding party," respectively.
- B. Notice of Investigation. The student conduct administrator (or designee) will send a Notice of Investigation to both the complainant and the respondent, providing the parties with written notification of the initiation of a formal investigation. The initiation of an investigation does not necessarily mean that a student conduct adjudication is inevitable or that a complainant must pursue the student conduct process. The Notice of

Investigation will identify the case managers that have been assigned to each party and the name of the investigator. The College will designate a trained investigator(s) to investigate these reports. All investigators will receive annual training with an emphasis on investigating these complex and sensitive cases. The Notice of Investigation will also include a summary of the allegations against the respondent and the prohibition on retaliation.

- C. Case Managers and Witness Coordinator. The complainant and respondent will each be assigned a separate College-appointed, trained case manager who can help a complainant/respondent navigate through the *SAHP* and related procedures. Each party's respective case manager will be identified in the Notice of Investigation. The complainant/respondent case manager will receive access to case materials and may accompany the student to any meeting related to these procedures, including interviews with the investigator.

Witnesses will be assigned a witness coordinator who will offer them assistance in understanding their role as a witness within the *SAHP*. At the discretion of the witness, the witness coordinator may accompany the student to any meeting related to these procedures, including interviews with the investigator.

The case manager/witness coordinator may communicate with the complainant/respondent/witness during proceedings in a non-disruptive manner and may ask for short breaks if the complainant/respondent/witness requires some time for composure or to collect thoughts. The case manager/witness coordinator may not delay, disrupt, or otherwise take action to interfere with the integrity of the meeting except as permitted within these procedures. The case manager/witness coordinator may be required to leave the meeting, if disruptive. If the complainant/respondent/witness has any questions or concerns about the assignment of their case manager/witness coordinator, they may contact the Title IX coordinator for assistance.

- D. Advisor of Choice. The complainant and respondent have the option to be assisted by an advisor of their choice. The advisor may be any person: friend, mental health professional, certified victim's advocate, attorney, an individual at the College, etc. The advisor cannot be an identified witness or have any conflicting role in the formal complaint process or with a party in the proceedings. The College's duty is to the complainant/respondent, not the advisor. All communication is made directly with the complainant/respondent, who can share information with their advisor, at their discretion. At the discretion of the complainant or respondent, the advisor may accompany the complainant or respondent to any meeting related to these procedures, including interviews with the investigator. The advisor is expected to be a silent and non-participating observer, except to ask for a short break if the complainant/respondent requires some time for composure or to collect thoughts. The advisor may communicate with the complainant/respondent during proceedings in a non-disruptive manner. The

advisor may be required to leave the meeting, if disruptive. The advisor may not delay, disrupt, or otherwise take action to interfere with the integrity of the process.

To serve as an advisor, the individual may be required to meet with the Title IX coordinator, student conduct administrator, the College's legal counsel, or designee in advance of any participation in the formal complaint process.

If the advisor is an attorney or other retained person, the advisor must be retained at the initiative and expense of the complainant/respondent. If the advisor is an attorney, the College's legal counsel may also attend any meeting. An attorney's participation in any meeting will be governed by these restrictions and parameters.

- E. Investigation. The investigator will conduct a thorough, impartial, and unbiased investigation. All individuals will be treated with compassion and respect and in a manner considerate of individual privacy concerns. An investigation may include multiple meetings with the investigator. An investigation will typically include interviews of the complainant, respondent, witnesses provided by either party with relevant information about the reported incident or discovered during the investigation, and any other individuals who may have relevant information about the reported incident and/or the parties involved. Interviews will typically take no longer than two hours on one day. Should additional time be needed, the investigator and affected party will mutually agree on either rescheduling for another day or extending the length of the interview past two hours. During the investigation process, all those interviewed will have an opportunity to review their own interview summaries for accuracy.

During any interviews with the complainant, respondent, or witnesses, if any deviation from College policy or procedure is suspected, the respective case manager or witness coordinator will have the ability to call for a short break in the proceedings to convene with the investigator to ensure that the proceedings comply with College policy and procedure. Any deviation from College policy or procedure or concerns with the investigation may be communicated directly to the Title IX coordinator by the complainant, respondent, witness, respective case manager, or witness coordinator.

The investigator may request any available physical or medical evidence and/or documentation from the parties. The investigator will seek to obtain relevant communications between the parties, including electronic records, voicemail messages, and/or letters. The complainant and respondent will have an equal opportunity to participate in the investigation with their case managers, and/or advisors of their choice, provide statements, submit additional information, and/or identify witnesses who may have relevant information. It is not the burden of the complainant, respondent, witnesses, or other community members to investigate these matters. The investigator is solely responsible for all aspects of the investigation.

The duration of the investigation is strongly influenced by the availability and/or responsiveness of all involved parties, the complexity of the circumstances of the complaint, and the College's academic calendar.

- F. **Reviewing the Summary Report.** At the conclusion of the investigation, the investigator will prepare a summary report and provide it to the Title IX coordinator (or designee). The report will be a summary of the facts ascertained during the investigation and will not make a finding of responsibility or assessment of credibility, though it may include facts bearing on credibility. The Title IX coordinator (or designee) will provide access to the summary report to the parties and outline the available resolution options, including remedies-based resolution or a student conduct adjudication, and adjudicator options. The parties will be provided a minimum of two (2) days to consider the information and options presented by the Title IX coordinator.

1. **Adjudicator Options.**

- a. **External adjudicator.** The College can retain an external adjudicator to adjudicate allegations of violations of this policy. The external adjudicator will be a neutral party outside of the College, usually an attorney or seasoned student conduct administrator, who is trained and experienced in dispute resolution, the dynamics of sexual misconduct across identities, and is trained in the College's policies and procedures. The student conduct administrator will be present during the adjudication to serve as a resource for the external adjudicator on issues of policy and procedure. Should the student conduct administrator recognize any deviation from College policy or procedure, the student conduct administrator will have the ability to call for a short break in the proceedings to convene with the external adjudicator to ensure that the proceedings comply with College policy and procedure. If the external adjudicator determines, by a preponderance of the evidence, that the respondent has violated the *SAHP*, the student conduct administrator and the external adjudicator will determine the appropriate sanction.
- b. **Administrative Adjudication.** While a complaint under this policy will typically be resolved by an external adjudicator, a complainant or respondent may request resolution through an administrative adjudication, to be conducted by the student conduct administrator (or their designee) if all parties agree or in cases of failure to comply with restrictions under this policy. The student conduct administrator will meet separately with the complainant and respondent to determine responsibility and render a decision as to what sanctions, if applicable, may be implemented. Both parties must agree to resolution by administrative adjudication. The

investigative report will serve as the primary evidence in making a determination of responsibility. Both parties must have notice, the opportunity to review the investigative report in advance, and the opportunity to present relevant information to the student conduct administrator.

An administrative adjudication is particularly appropriate when the respondent has admitted to the sexual misconduct and there is no discernible dispute in the relevant facts of the investigative report. However, at the discretion of the student conduct administrator, it may also be used when the facts are in dispute. In reaching a determination as to whether the *SAHP* has been violated, the student conduct administrator will reach a determination by a preponderance of the evidence—that is, whether the conduct was more likely than not to have occurred as alleged. Depending upon the nature and severity of the allegations, the student conduct administrator may decline to handle the matter administratively and refer the case to an external adjudicator at any time.

In cases when there are reports of failure to comply with contact restrictions related to this policy, the student conduct administrator or their designee will conduct an administrative adjudication.

VI. Formal Complaint Process - Student Conduct Adjudication

- A. Overview. The student conduct adjudication process for sexual misconduct complaints is an administrative process and it is not subject to the same standards as a court of law. Rules of evidence ordinarily found in legal proceedings will not apply. Student conduct resolution of complaints based on the *SAHP* will occur through the use of an administrative adjudication or the use of an external adjudicator.
- B. Group Adjudication. When members of a student group, organization, or team of individuals acting collusively operate in concert in violation of the *SAHP*, they may be charged as a group or as individuals and an adjudication may proceed against the group as joint respondents or against one or more involved individuals as appropriate given available information and the circumstances.
- C. Threshold Determination. If a student conduct adjudication is the selected resolution option, the final report, which includes the summary report, interview summaries, written statements, and any other information the College deems relevant, will be reviewed by the Title IX coordinator and the student conduct administrator to make a threshold determination as to whether the conduct alleged in the investigation is covered under the *SAHP*.

If the Title IX coordinator and the student conduct administrator determine that this threshold has been reached, the student conduct administrator will issue a Notice of Adjudication in order for the student conduct adjudication process to proceed.

If the Title IX coordinator, in consultation with the student conduct administrator, determines that this threshold is not reached, the complainant and respondent will be notified in writing that the allegation will not proceed to adjudication. The threshold determination is final.

The Title IX coordinator may offer other supportive measures or other resolution options, such as remedies-based resolution as appropriate.

- D. **Safeguarding of Privacy.** All participants involved in an adjudication are expected to keep private the investigative report and any information learned during the process. The participants may not share any copies of the investigative and adjudicative materials. All documentation provided during the investigation and adjudication meeting must be returned to the College at the conclusion of the meeting and/or any appeals. Any violation of this directive may result in disciplinary action by the College. Nothing in this paragraph precludes disclosure of the outcome of the adjudication.
- E. **Notice of Adjudication and Review of Documents.** If a student conduct adjudication is the selected resolution option, the student conduct administrator will issue a Notice of Adjudication to both parties indicating that a formal allegation(s) has been issued by the College. This Notice will provide a statement of the policy violation(s) that are alleged to have taken place, a brief description of the facts underlying the allegations, and the date scheduled for the adjudication meeting.

The parties will also receive access to the complete investigative report and will both have ten (10) days to review the investigative report. The investigative report will include the summary report, interview summaries, written statements, and any other documentary information. Any written responses by the complainant or respondent to the investigative packet must be provided to the investigator for their consideration. All information and/or materials the parties wish to include in the investigative report or have considered at the adjudication, must be provided to the investigator during the investigation.

- F. **Identification of Adjudicator; Contesting the Adjudicator.** The parties will also be provided the name of the selected adjudicator in the Notice of Adjudication. The parties may submit a written request to the student conduct administrator to contest the external adjudicator. Such written request must present reasonable, articulable grounds to suspect bias, conflict of interest, or an inability to be fair and impartial on the part of the external adjudicator. This challenge must be raised within four (4) business days of receipt of the Notice of Adjudication. All objections must be raised prior to the commencement of the adjudication. The student conduct administrator will make the determination within two (2) business days whether to seek an alternative external adjudicator.

G. Format of the Adjudication Meeting. After reviewing the investigative report, the external adjudicator will have an opportunity to meet with the investigator, complainant, and respondent. The adjudicator may also request to meet with identified witnesses, as described below. The meetings are not designed to reinvestigate the facts collected in the investigative report, but instead to assist the adjudicator in making a determination based on the evidence collected during the investigation. These meetings allow the adjudicator to ask questions they may have, to allow the complainant and respondent to make any statements they deem appropriate, and evaluate the credibility of the parties and witnesses.

1. Complainant and Respondent Participation in the Adjudication. Should they choose to participate in the adjudication meeting, either in person or remotely, the complainant and respondent will meet separately with the adjudicator. During their designated time with the adjudicator, a complainant or respondent may request to participate remotely in their own adjudication meeting. Any proposed alternative must be reviewed in advance by the student conduct administrator to ensure that it is consistent with the goals of a fair and equitable process.

During all other meetings, the complainant and respondent will have the opportunity to listen remotely to the adjudication meetings of the other party, the investigator, and any witnesses. The student conduct administrator will work with each party's case manager to arrange the space and technological needs.

If a party misses the adjudication meeting for any non-emergency or non-compelling reason, the adjudication may proceed in the individual's absence at the discretion of the student conduct administrator.

If a respondent chooses to withdraw from the College prior to the conclusion of an investigation or student conduct adjudication under the *SAHP*, for non-medical or non-disability-related reasons, the student must go through the readmission process coordinated by the Dean's Office and the case must typically be adjudicated prior to the student's readmission to the College.

2. Participants in Adjudication Meetings. Adjudication meetings are closed and not open to the public. The adjudicator will meet with the complainant and respondent individually along with their respective advisor and/or case manager. The adjudicator may also choose to meet with witnesses individually with their witness coordinator. The student conduct administrator will attend all meetings, and the College's attorney may also be present.
3. Duration of Adjudication Meeting. Adjudication meetings will typically conclude within one (1) day.

During an Adjudication Meeting, either party may request short breaks throughout the Adjudication meeting. The case managers, witness coordinator, and/or advisor of choice may request a short break on behalf of the individuals involved, which must be directed to either the external adjudicator and/or the student conduct administrator. Additionally, the student conduct administrator will call for short breaks at regular intervals throughout the student conduct process.

4. Participant Integrity. Parties and other individuals who offer information at adjudication meetings are expected to respond honestly and to the best of their knowledge. A complainant, respondent, or witness who intentionally provides false or misleading information may be subject to discipline under the Student Code of Conduct.
5. Adjudication Meeting Agenda.
 - a. The student conduct administrator will begin the meeting and explain the process and introduce meeting attendees. Prior to beginning the adjudication, the student conduct administrator will meet with all parties to answer any procedural questions.
 - b. Generally, the investigator will provide a summary of the investigation. The adjudicator, and the complainant or respondent, through the adjudicator, may make brief inquiries of the investigator at the conclusion of the summary.
 - c. The complainant may meet with the adjudicator. The adjudicator and the respondent, through the adjudicator, may pose questions to the complainant.
 - d. The respondent may meet with the adjudicator. The adjudicator and the complainant, through the adjudicator, may pose questions to the respondent.
 - e. The adjudicator may meet with relevant witnesses. The adjudicator will question called witness and provide the complainant or respondent an opportunity to pose questions through the adjudicator.
 - f. The adjudicator may call back any participant for additional questions or clarifications.
 - g. The adjudicator may meet with the complainant for follow-up questions.
 - h. The adjudicator may meet with the respondent for follow-up questions.
 - i. At the conclusion of the adjudication meeting, the complainant and respondent may submit a written impact statement to the student conduct administrator that will only be considered at the sanctioning phase should the respondent be found responsible of violating the *SAHP*.

6. Questioning by Adjudicator at Adjudication. At times, the adjudicator may need to ask difficult or sensitive questions in order to understand areas of factual dispute or gain a full understanding of the context. Complainants and respondents may submit questions for the other party to the student conduct administrator for the adjudicator's consideration. At no time will the complainant or the respondent be permitted to directly question one another or any other participant.
7. Deliberation. After the adjudicator has met with all relevant parties, the adjudicator will conclude the adjudication and move to deliberation. The student conduct administrator will support deliberations to offer clarifications about policy or provide any other appropriate information requested by the adjudicator. The adjudicator will make a decision, using a preponderance of the evidence standard, to determine if there were any violations of the *SAHP*.

The adjudicator will provide the student conduct administrator a written summary of the findings, which will be included in the outcome letter. The summary will detail the findings of facts and determination of responsibility.

8. Preponderance of the evidence. The adjudicator will determine a respondent's responsibility by a preponderance of the evidence. This means that the adjudicator will decide whether it is "more likely than not," based upon the information provided in the investigative report and through the adjudication meeting, that the respondent is responsible for the alleged violation(s). A not responsible finding means that the evidence presented did not meet the standard necessary to determine responsibility.

H. Issues Related to the Adjudication Meeting.

1. Outside agreements. The College will generally not recognize or enforce agreements between the parties reached outside of these procedures.
2. Witnesses. During the investigation, the complainant and respondent will have been asked to identify witnesses. The investigator may also identify witnesses during the course of the investigation. Witnesses may opt to contact the assigned witness coordinator as a resource at any point in the process. Witnesses must have observed the acts in question or have information relevant to the incident and cannot participate solely to speak about an individual's character. After reviewing the investigative report, including all witness information, the adjudicator will ask the student conduct administrator to notify relevant witnesses at least one (1) business day before the adjudication, that they may be asked to attend. The names of retained witnesses will be confirmed with parties at least one (1) business day before adjudication as well.

3. Relevance. The Title IX coordinator and student conduct administrator will review the investigative report and associated materials to determine whether the included information is relevant to the determination of responsibility. The Title IX coordinator and student conduct administrator may redact information that is irrelevant, more prejudicial than probative, or immaterial. The parties will have a full and fair opportunity to respond to the information included in the investigative report.
 - a. Prior sexual history of the parties. Prior sexual history of a complainant or respondent will never be used to prove character or reputation. Information related to the prior sexual history of the parties generally is not relevant to the determination of a *SAHP* violation and only in limited circumstances will such evidence be made available for consideration by the adjudicator. For example, prior sexual history may be relevant to explain the presence of a physical injury, physical condition, or to help resolve another question raised in the investigation. Further, where there is a current or previous relationship between the complainant and the respondent, and the respondent alleges consent, the prior sexual history between the parties may be relevant to assess the manner and nature of communications between the parties. However, as noted in other sections of the *SAHP*, the mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent and does not preclude a finding of a violation of the *SAHP*.
 - b. Prior or Subsequent Conduct of the Parties. When prior or subsequent conduct of the parties is included in the investigative report, the Title IX coordinator and student conduct administrator will assess the investigative purpose of the information. Prior or subsequent conduct of the parties may be considered by the adjudicator for the investigative purpose of demonstrating knowledge, intent, state of mind, motive, opportunity, preparation, planning, method of operation, pattern, absence of mistake, absence of accident, or identity. Such evidence of prior or subsequent conduct, regardless of whether there has been a prior finding of responsibility, may be relevant and probative to a determination of responsibility and/or assignment of a sanction. If these two criteria are met, the Title IX coordinator and the student conduct administrator will inform the adjudicator that the

adjudicator must determine whether the prior or subsequent conduct is supported by a preponderance of the evidence and if so, use of that evidence is limited to the investigative purposes (listed above) for which the information was included.

4. Consolidation of Adjudication. The student conduct administrator has the discretion to consolidate multiple reports against a respondent in one adjudication if the evidence related to each incident would be relevant and probative in reaching a determination on the other incident and not unfairly prejudicial to the respondent.
 5. Recording of proceedings. The College does not audio or video record the student conduct proceedings or deliberations, nor is any other individual permitted to record the proceedings.
 6. Request to Reschedule. Either party can request to reschedule their adjudication meeting. Absent extenuating circumstances, requests to reschedule must be submitted to the student conduct administrator at least three (3) business days prior to the scheduled meeting. A request to reschedule must be supported by a compelling reason. The student conduct administrator may also reschedule the adjudication meetings, without a request by the parties, when there is reasonable cause to do so. The student conduct administrator will notify the parties of any changes to the scheduled adjudication meetings.
- I. Sanctions. If the external adjudicator finds a student, group, or organization responsible for a violation of the *SAHP*, the external adjudicator and the student conduct administrator (together, the sanctioning body) will determine the appropriate sanction(s). Sanctions can only be made against a respondent after a finding of responsibility is reached. The sanctioning body may issue a single sanction or a combination of sanctions.
1. Factors Informing Sanction Decision. In considering the appropriate sanction within the recommended outcomes, the sanctioning body will consider the following factors together with any impact statements provided from the complainant and/or respondent:
 - a. the respondent's prior discipline history;
 - b. how the College has sanctioned similar incidents in the past;
 - c. the nature and violence of the conduct at issue;
 - d. the impact of the conduct on the complainant, and their desired sanctions, if known;
 - e. the impact of the conduct on the community, its members, or its property;
 - f. whether the respondent has accepted responsibility;
 - g. whether the respondent is reasonably likely to engage in the conduct in the future;

- h. any other mitigating or aggravating circumstances, including the College's values;
 - i. the respondent's optional good faith participation in restorative / remedies based educational options during the report, complaint, and investigation portions of the resolution process
2. Remedial Actions. The sanctioning body may consider remedial actions and/or additional steps that may be taken to address and resolve any incident of discrimination or harassment and to prevent the recurrence of any discrimination and/or retaliation, including strategies to protect the complainant and any witnesses from retaliation; provide counseling for the complainant; other steps to address any impact on the complainant, any witnesses, and the broader student body; and any other necessary steps reasonably calculated to prevent future occurrences of harassment.
3. Suspension. If a sanction includes suspension, the respondent is subject to the readmission process as described in the *Student Handbook*. Prior to readmission, the complainant will be notified by the student conduct administrator or their designee.
4. Possible Sanctions. The College reserves the right to impose other reasonable sanctions or to combine sanctions as it deems appropriate. Sanctions include:
 - a. **Warning**—A written notification that a violation of the *SAHP* occurred and that any further responsible finding of misconduct may result in more severe disciplinary action. Warnings are typically recorded for internal purposes only and are not considered part of a student's permanent student conduct record. Though disclosed with a student's signed consent, a student who receives a warning is still considered in good standing at the College.
 - b. **Probation**—A written notification that indicates a serious and active response to a violation of the *SAHP*. Probation is for a designated period of time and includes the probability of more severe sanctions, if found responsible for additional violations of the *Student Code of Conduct* or *SAHP*, including suspension or expulsion from the College. Notification of probation is considered a change in status and will normally be sent to parents or guardians. As a result of a change in status, a student who is placed on probation is not considered to be in good standing at the College during their period of probation.
 - c. **Suspension**—The separation of a student from the College for a specified period of time, after which the student is eligible to return. Conditions for

re-enrollment may be required and will be included in the notification of suspension. Suspended students are required to comply with the College's re-admission process prior to being eligible for re-enrollment.

During the period of suspension, the student may not participate in College academic or extracurricular activities; may be barred from all property owned or operated by the College; and depending on the severity of the charge, the student might not be allowed to progress toward completion of their Swarthmore degree by taking courses at other institutions while suspended. Students who are suspended may not be on campus without specific, written permission of the V.P. and Dean of Students or designee.

Suspension is for a designated period of time and includes the probability of more severe sanctions, including expulsion, if found responsible for additional violations of the *Student Code of Conduct or SAHP*.

Notification of suspension will normally be sent to guardians or parents, as it results in a change of status. As a result of a change in status, a student who is suspended is not considered to be in good standing at the College during their period of suspension.

- d. **Expulsion**—Expulsion is the permanent separation of the student from the College. Students who have been expelled may not be on campus without specific, written permission from the V.P. and Dean of Students or designee. Notification of expulsion will normally be sent to guardians or parents, as it results in a change of status.
Expulsion may be particularly appropriate if the College has determined that the respondent has engaged in the same or similar conduct and/or has been found in violation of the *SAHP* in the past.
- e. **Loss of privileges**—Denial of the use of certain College facilities or the right to participate in certain activities, events, programs or to exercise certain privileges for a designated period of time. This includes Contact Restrictions, denial of ability to represent the College in an official capacity, and/or organizational sanctions.
- f. **Restitution**—A student may be required to make payment to an individual or to the College related to the misconduct for damage, destruction, defacement, theft, or unauthorized use of property.
- g. **Fines**—Swarthmore reserves the right to impose fines, as appropriate, in addition to requiring payment for costs resulting from or associated with the offenses.
- h. **Relocation or removal from (College-operated) housing** —Relocation is the reassignment of a student from one living space to another. Removal from housing is the removal of a student from all College-operated housing. Relocation and removal from housing are typically accompanied

by the loss of privileges regarding the visitation to specific residential areas for a specified period of time.

- i. **Educational requirements/referrals**—The College reserves the right to impose counseling or substance assessments or other required educational sanctions.

J. **Notice of Outcome.** The student conduct administrator will communicate the outcome of the adjudication to the respondent and the complainant at the same time. The notice will be in writing and will include notification of appeal options. Generally, the outcome of the adjudication will be communicated to the parties within five (5) business days from the date of the conclusion of the adjudication meeting.

1. If the respondent has been found responsible for a policy violation under the *SAHP*, the respondent will be informed of any sanctions, the date by which the requirements must be satisfied (if applicable), and the consequences of failure to satisfy the requirements. The complainant will be informed of any sanctions that directly relate to the complainant.
2. The imposition of sanctions will take effect immediately and will not be stayed pending the resolution of the appeal.

K. **Appeals.** Either party may appeal the determination of responsibility or sanction(s) in writing to the V.P. and Dean of Students or designee. The appeal must be filed within five (5) business days of receiving the written notice of outcome. Dissatisfaction with the outcome of the adjudication is not grounds for appeal. The limited grounds for appeal are as follows:

1. new evidence that would affect the finding of the adjudication and that was unavailable at the time of investigation;
2. procedural error(s) that had a material impact on the outcome; or
3. the sanctions imposed were grossly disproportionate to the violation committed.

The appeal shall consist of a plain, concise, and complete written statement outlining the grounds for the appeal. Upon receipt of an appeal, the V.P. and Dean of Students will notify both parties. Each party has an opportunity to respond in writing to the appeal. Any response to the appeal must be submitted within two (2) business days from receipt of the appeal.

The appeal consideration will be conducted in an impartial manner by the V.P. and Dean of Students (or designee). In any request for an appeal, the burden of proof lies with the party requesting the appeal, as the original determination and sanction are presumed to have been decided reasonably and appropriately. The appeal is not a new review of the underlying matter. The V.P. and Dean of Students shall consider the merits of an appeal only on the basis of the three (3) grounds for appeal and supporting information provided

in the written request for appeal and the record of the original adjudication. The V.P. and Dean of Students can affirm the original findings, alter the findings, and/or alter the sanctions, depending on the basis of the requested appeal.

In the case of new and relevant information, the V.P. and Dean of Students can recommend that the case be returned to the original adjudicator to assess the weight and effect of the new information and render a determination after considering the new facts.

If the appeal is granted based on procedural error(s) that materially affected the outcome of the adjudication, the V.P. and Dean of Students may return the case to the external adjudicator for additional review or forward the case for a new adjudication, which may be heard by an alternate external adjudicator if the V.P. and Dean of Students finds that to be appropriate.

Absent extenuating circumstances, the V.P. and Dean of Students will simultaneously and in writing communicate the result of the appeal to the complainant and respondent within three (3) business days from the date of the submission of all appeal documents by both parties. Appeal decisions are final.

VII. Records

The Title IX coordinator will retain records of all reports and complaints, regardless of whether the matter is resolved by Title IX assessment, remedies-based resolution, or adjudicated resolution. Complaints resolved by Title IX assessment or remedies-based resolution are not part of a student's conduct file or academic record.

The Title IX coordinator will document each report or request for assistance in resolving a case involving charges of sexual misconduct, whether by the complainant or a third party, and will review and retain copies of all reports generated as a result of investigations. These records will be kept confidential to the extent permitted by law.

Affirmative findings of responsibility in matters resolved through student conduct resolution are part of a student's conduct record. Such records shall be used in reviewing any further conduct or in developing sanctions and shall remain a part of a student's conduct record.

The conduct files of students who have been suspended or expelled from the College are maintained in the V.P. and Dean of Students office for no fewer than seven (7) years after their departure from the College. Further questions about record retention should be directed to the V.P. and Dean of Students.

Medical and law schools and some governmental agencies may require disclosure by the College of any student conduct findings. Students who transfer to other schools or participate in off-campus study programs may also be required to provide such information.

At the beginning of each academic year, the student conduct administrator will produce a summary of case dispositions summarizing the outcome of all cases that were adjudicated the previous academic year, without revealing the identity of any of the participants in the proceedings.

Procedures for Resolution of Complaints Against Staff and Instructional Staff, Including Faculty

This policy prohibits all forms of sexual misconduct, including sexual harassment, sexual assault, sexual exploitation, indecent exposure, intimate-partner violence, dating violence and domestic violence, retaliation, stalking, and other misconduct that is sex or gender based, or in the context of an intimate partner relationship including: bullying and intimidation, physical assault, and discrimination.

I. Scope

The Sexual Assault and Harassment Policy applies to all members of the College community, including students, employees, volunteers, independent contractors, visitors or any individuals regularly or temporarily employed, studying, living, visiting, conducting business or having any official capacity at the College. The policy's full scope is described in the Sexual Assault and Harassment Policy.

These specific procedures apply to complaints against staff and instructional staff, including faculty. This includes regular full-time, part-time, limited term, and temporary staff, including those in their orientation period, and full-time, part-time faculty and other instructional staff members of the College, whether or not appointed to regular faculty rank.

Procedures for complaints against students are set forth in the Procedures for Resolution of Complaints Against Students.

II. Procedural options

As outlined in the Reporting section of the Sexual Assault and Harassment Policy, any individual who wishes to make a report of sexual misconduct is encouraged to make a report directly to the Title IX coordinator. In every report of sexual misconduct, the Title IX coordinator, through the coordinated efforts of the Title IX team, will conduct an initial Title IX assessment. At the conclusion of the Title IX assessment, if appropriate, the report will be referred for either remedies-based resolution or investigation. Remedies-based resolution does not involve disciplinary action against a respondent. An investigation gathers the facts of the case and this information is used to determine whether a violation of the Sexual Assault and Harassment Policy is more likely than not to have occurred based on a preponderance of the evidence

standard. A determination of a policy violation will result in College action leading to disciplinary measures up to and including dismissal.

Supportive resources will be offered and reasonable interim measures may be used to ensure the integrity of any stage of the process and to protect the safety of all parties and the College community.

College employees can also seek confidential assistance, which does not constitute notice to the College, through Carebridge, the College's Employee Assistance Program. Carebridge is available 24 hours a day, 7 days a week by calling 1-800-437-0911. For other supportive and confidential resources, please check the Resources section of the Sexual Assault and Harassment Policy.

III. Title IX Assessment

Upon receipt of a report under this policy, the Title IX coordinator, through the coordinated efforts of the Title IX team, will conduct a timely initial Title IX assessment. The Title IX team is flexible in composition based on the relationship of the complainant and respondent to the College (student, staff, instructional staff), and the Title IX coordinator is responsible for assembling the Title IX team. All members of the Title IX team are extensively trained in sexual misconduct policy and procedure. When a member of the instructional staff is involved, the Title IX team will include the provost or designee. Depending on the relationship of the complainant and the respondent to the College (student, staff, faculty, or other) and the nature of the circumstances of the report, the Title IX coordinator will consult with others as appropriate, such as the director of equal opportunity and the human resources manager (a deputy Title IX coordinator) when assessing a report that also involves an implication of harassment based upon other protected classes or has other employment implications. In all cases, the team will be limited in number and information will only be shared on a "need to know" basis.

The Title IX assessment is designed to carry out the goals of Title VII (as it applies to discrimination based on sex), Title IX, and the relevant portions of the Clery and the Violence Against Women Acts. The first step of the assessment will usually be a preliminary meeting between the complainant and the Title IX coordinator or another member of the Title IX team. The purpose of the preliminary meeting is to gain a basic understanding of the nature and circumstances of the report; it is not intended to be a full fact-gathering interview. At this meeting, the complainant will be provided with information about resources, procedural options, and interim remedies. During this initial review, the Title IX team member(s) will make a reasonable assessment of the safety of the individual and of the campus community.

The Title IX team will also consider the interest of the complainant and the complainant's expressed preference for the manner of resolution. Where possible and as warranted by an assessment of the facts and circumstances, the College will seek to proceed in a manner consistent with the complainant's request.

As part of the initial assessment of the facts, the Title IX coordinator, in collaboration with the Title IX team, will:

- assess the nature and circumstances of the allegation;

- address immediate physical safety and emotional well-being of the complainant;
- provide the complainant with a written explanation of the complainant’s rights and options, including:
 - the right to report, or decline to report, the incident to law enforcement if the conduct is potentially criminal in nature. The College has personnel who are available to assist in this process;
 - the right to obtain a “no-contact” order from local authorities or from the College;
 - the right to and importance of seeking medical treatment to address physical health and to preserve evidence;
 - the right to file a complaint through the applicable internal complaint resolution process, to receive an explanation of the process and of the obligation to provide a prompt, fair, and impartial investigation and resolution, and to receive an explanation of the potential remedies for victims, potential remedies for the College community, and possible sanctions against respondents;
 - notify the complainant of the range of interim measures and remedies, including options for changes in living, academic, transportation, working situations;
 - provide the complainant with information about on- and off-campus resources, including support options;
 - obtain the complainant’s expressed preference for the manner of resolution and assess any barriers to proceeding;
 - share that each party is entitled to have an advisor of their own choosing, as desired;
 - determine if concerns exist for discrimination or harassment based on other protected classes;
 - explain the College’s policies for confidentiality and prohibiting retaliation, as described in the Sexual Assault and Harassment Policy;
 - assess the reported conduct for the need for a timely warning under federal law;
 - determine if pattern evidence or other similar conduct by respondent exists;
 - enter non-identifying information about the report into the College’s daily crime log if the report includes a Clery-reportable crime;

In cases involving an instructional staff member, the Title IX coordinator will consult with the provost, who will determine if any issues of academic freedom are involved. In cases where academic freedom is at issue, the provost (or designee) will confer with the Committee on Faculty Procedures to determine how academic freedom should factor into a Title IX assessment, as described in Special Provisions for Instructional Staff within this procedure.

The Title IX team will take all reasonable steps to respond to a complaint consistent with a complainant’s requested outcome, but its ability to do so may be limited based on the nature of a complainant’s request. Where a complainant requests that a name or ^[]_{SEP} other identifiable information not be shared with ^[]_{SEP} the respondent or that no formal action be taken, the College will balance this request with its responsibility to provide a safe and non-discriminatory

environment for all College community members ^{[[]]}and to afford a respondent fundamental fairness.

In the event that a complainant does not wish to proceed with formal action, the Title IX coordinator, in consultation with the Title IX team as necessary, will decide, based on the available information, whether additional steps are appropriate. In making this decision, the Title IX team will consider, among other factors, whether the complainant has requested confidentiality; whether the complainant wants to participate in additional steps; the severity and impact of the sexual misconduct; the respective ages of the parties, including whether the complainant is a minor under the age of 18; whether the respondent has admitted to the sexual misconduct; whether the respondent has a pattern of committing sexual misconduct; the existence of independent evidence; the extent of prior remedial methods taken with the respondent; and any legal obligation to proceed based on the nature of the conduct.

At the conclusion of the Title IX assessment, the Title IX coordinator, in collaboration with the Title IX team, will determine whether or not to refer the report for remedies-based resolution or for investigation to determine whether to pursue disciplinary action.

This determination will be communicated to the complainant in writing. The Title IX coordinator or a member of the Title IX team will discuss the determination with the complainant and provide information to assist in understanding available resources and procedural options.

The respondent will be notified in writing when the College seeks action that would impact a respondent, such as protective measures that restrict the respondent's movement on campus, the initiation of an investigation or the decision to involve the respondent in remedies-based resolution.

The College will inform the complainant and the respondent that retaliation is prohibited by law and College policy and that the College will take strong responsive action to protect the safety of any individual. Retaliation will not be tolerated and will result in disciplinary action.

IV. Remedies-based resolution

Remedies-based resolution is designed to address the effects of the alleged conduct and prevent a hostile environment without taking disciplinary action against a respondent. Where the Title IX assessment has concluded that remedies-based resolution is appropriate, the College will take immediate and corrective action through the imposition of individual and community remedies designed to prevent a hostile environment and maximize the complainant's access to the educational, extracurricular and employment activities at the College.

Examples of potential remedies include targeted or broad-based educational programming or training, supported direct communication with the respondent by the complainant, communication with the respondent by the Title IX coordinator or a College administrator, and appropriate restorative outcomes that include cooperative approaches between the parties aimed to repair the harm resulting from the offending incident. Depending on the form of remedies-based resolution used, it may be possible for a complainant to maintain anonymity.

Participation in remedies-based resolution is voluntary, and a complainant can request to end remedies-based resolution at any time. Mediation, one form of remedies-based resolution, cannot be used in cases involving sexual assault.

The Title IX coordinator will maintain records of all reports and conduct referred for remedies-based resolution. Remedies-based resolution will typically be initiated within thirty (30) business days after the Title IX assessment is complete, although the time frame for completion of requirements may extend beyond thirty (30) days.

V. Investigation, adjudication, and disciplinary action

A. Investigation

Where the Title IX assessment concludes that an investigation is appropriate, the College will initiate such an investigation. The College may designate an investigator of its choosing, provided that the investigator has specific training and experience investigating allegations of sexual misconduct. Any investigator chosen to conduct or assist with the investigation must be impartial and free of any conflict of interest. The complainant and respondent will receive a written notice of investigation, including a statement of the allegation, when the investigation is initiated.

The investigator(s) will conduct the investigation in a manner appropriate in light of the circumstances of the case. The first step of an investigation will usually be an interview of the complainant by the designated investigator(s). The investigator(s) will coordinate the gathering of information from the complainant, the respondent, and any other individuals who may have information relevant to the determination. As part of the investigation, the College will provide an opportunity for the parties to present statements, witnesses, and other evidence. The investigator(s) ^{[[I]]}_{[[SEP]]} will also gather any available physical or medical evidence, including documents, communications between the parties, and other electronic records^{[[I]]}_{[[SEP]]} as appropriate. The complainant and respondent will have an equal opportunity to be heard, to present relevant information to the investigator(s), and to identify witnesses who may have relevant information.

The investigation is designed to provide a fair and reliable gathering of the facts. The investigation will be thorough, impartial, and fair, and all individuals will be treated with sensitivity and respect. As described in the privacy section of the Sexual Assault and Harassment Policy, the investigation will be conducted in a manner that is respectful of individual privacy concerns. For complaints against an instructional staff member that involve conduct in their instructional role, or educational content within a College program, issues of academic freedom will be fully considered and explored. (See Special Provisions for Instructional Staff)

The investigation will usually be completed within 30 (thirty) business days of the notice of investigation, but this time frame may be extended for good cause depending on the complexity of the circumstances of each case. Where there is a delay, the College will notify the parties in writing of the delay and the reason for the delay. At the request of law enforcement, the College may agree to defer its Title IX fact-gathering until after the initial stages of a criminal investigation. The College will nevertheless communicate with the complainant regarding Title IX rights, procedural options and the implementation of interim measures to assure safety and

well-being. The College will promptly resume its Title IX fact-gathering as soon as law enforcement has completed its initial investigation.

During the investigation, the complainant and respondent will be given the opportunity to review their own statement and interview summaries for accuracy. At the conclusion of the investigation, the investigator(s) will prepare a report setting forth the facts gathered. The full report will be shared with both parties. Upon review of the investigator's report, the complainant and respondent will have the opportunity to submit a written response to the information gathered in the investigation. The complainant and the respondent may submit any comments to the investigators within five (5) business days of being notified of the opportunity to review the relevant portions of the report.

Upon receipt of any additional information by the complainant or respondent, or after the five (5) business day comment period has lapsed without comment, the investigator(s) shall deliver the investigator's report along with the written responses of the parties to the applicable deputy Title IX coordinator, either for staff or for instructional staff. Should something be shared in the responses that is considered material or impactful, there may be a need to investigate further.

B. Adjudication and disciplinary action

1. Staff (non-instructional staff)

For staff members, the relevant employee's supervisor, in consultation with the relevant president's staff member, serves as both the staff adjudicator and the staff disciplinary authority. The deputy Title IX coordinator for staff facilitates the staff adjudication process.

If a president's staff member is the respondent, the president serves as the adjudicator and the disciplinary authority. If the president is the respondent, the Chair of the Board of Managers (or designee) will serve as the adjudicator and the disciplinary authority.

a. Determination.

The staff disciplinary authority, in consultation with the Title IX coordinator or designee, the vice president of human resources or designee, the director of equal opportunity, and/or other relevant administrator, as appropriate, shall determine, by a preponderance of the evidence whether the Sexual Assault and Harassment Policy has been violated. The preponderance of the evidence standard means that it is "more likely than not" that the respondent violated this policy. This determination will be based solely on the evidence presented in the investigator's report and the responses submitted by the parties.

Within ten (10) days of receiving the investigator's report and written responses of the parties, the adjudicator shall complete and give the parties a written determination and rationale.

b. Imposition of sanction.

If there is a finding of a policy violation, the disciplinary authority will promptly initiate disciplinary action against a respondent.

In all cases, the disciplinary authority will consult with the vice president of human resources or designee, the Title IX coordinator or designee, the director of equal

opportunity, and/or other relevant administrator, as appropriate when determining the appropriate sanction.

The disciplinary authority will impose a sanction designed to eliminate the harassment or hostile environment, prevent its recurrence, and remedy its effects, while supporting the College's educational mission and Title IX obligations and ensuring fundamental fairness. Sanctions or interventions may also serve to promote safety or deter individuals from similar future behavior.

When deciding upon the sanction, the disciplinary authority may request that the parties and other affected individuals, as appropriate, voluntarily provide a written impact statement for consideration.

The disciplinary authority may impose any sanction deemed appropriate after a consideration of all of the relevant information. In considering the appropriate sanction, the disciplinary authority will consider the following factors: (1) the respondent's prior discipline history; ^{[[T]]}_{SEP}(2) how the College has sanctioned similar incidents in the past; ^{[[T]]}_{SEP}(3) the nature and violence of the conduct at issue; (4) the impact of the conduct on the complainant; (5) the impact of the conduct on the community, its members, or College property; (6) whether the respondent is reasonably likely to engage in the conduct in the future; (7) the need to deter similar conduct by others; (8) the College's values and community standards; and (9) any other mitigating or aggravating circumstances. Absent compelling justifications, if the respondent engages in a pattern of the same or similar conduct, the recommended sanction will be termination.

The sanction may include any form of responsive action or progressive discipline, including training, referral to counseling, any of the remedies described in these procedures in Remedies-based Resolution, and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension or termination.

c. Notice of Outcome.

The College's written determination of whether College policy was violated will be provided simultaneously to the complainant and the respondent. Any change in this determination that occurs prior to the time it becomes final will also be communicated simultaneously in writing.

If a policy violation was found, within five (5) days of the written determination, the disciplinary authority will give the respondent written notice of any sanctions, the date by which the requirements must be satisfied (if applicable), and the consequences of failure to satisfy the requirements. At the same time, the complainant will be notified in writing of any sanctions that directly relate to the complainant, including information about the respondent's presence on campus (or in a shared working environment) that may help a complainant make informed decisions.

The imposition of sanctions will take effect immediately.

d. Reconsideration.

Either party may request reconsideration of the determination of responsibility or sanction(s) in writing to the relevant president's staff member or designee. Absent extraordinary circumstances, the request must be filed within five (5) business days of receiving the written determination of responsibility or sanction(s).

The complainant and/or respondent may only request reconsideration of the parts of the determination or sanctions directly relating to them. Dissatisfaction with the determination is not grounds for reconsideration. The limited grounds for reconsideration are as follows:

- i. new evidence that could affect the determination and that was unavailable at the time of investigation;
- ii. procedural error(s) that had a material impact on the fairness of the determination; and
- iii. the sanctions imposed were grossly disproportionate to the violation committed.

The request for reconsideration shall consist of a plain, concise, and complete written statement outlining the grounds for the reconsideration. Upon receipt of a request for reconsideration, the president's staff member will notify both parties. Each party has an opportunity to respond in writing to the request for reconsideration. Any response to the request must be submitted within five (5) business days from receipt of the request for reconsideration.

In any request for reconsideration, the burden of proof lies with the party requesting the reconsideration, as the original determination and sanction are presumed to have been decided reasonably and appropriately. The reconsideration is not a^{[[SEP]]} new review of the underlying matter. The president's staff member shall consider the merits of reconsideration only on the basis of the three (3) grounds for reconsideration. The president's staff member can affirm the original findings, alter the findings, and/or alter the sanctions, depending on the basis of the requested reconsideration.

The president's staff member will communicate the result^{[[SEP]]} of the reconsideration to the complainant and respondent within five (5) business days from the date of the submission of all reconsideration documents by both parties. Reconsideration decisions are not subject to further review.

The Title IX coordinator will review and retain copies of all reports generated as a result of investigations. These records will be kept confidential to the extent permitted by law.

2. Instructional Staff, including faculty

For instructional staff members, a three-member faculty panel appointed from a standing body trained in sexual misconduct policy and procedure serves as the adjudicator, and the provost or designee serves as the disciplinary authority. The deputy Title IX coordinator for faculty facilitates the faculty adjudication process.

If the provost is the respondent, the president will serve as the disciplinary authority. If the president is the respondent, the Chair of the Board of Managers (or designee) will serve as the disciplinary authority.

a. Determination.

The deputy Title IX coordinator for faculty will convene the three-member faculty panel as soon as practicable, and will then deliver the investigator’s report along with the written responses of the parties to the panel. Once the faculty panel is convened, they, in consultation with the Title IX coordinator or designee, the vice president of human resources or designee, the director of equal opportunity, and/or other relevant administrator, as appropriate, shall determine, by a preponderance of the evidence whether the Sexual Assault and Harassment Policy has been violated. The preponderance of the evidence standard means that it is “more likely than not” that the respondent violated this policy. This determination will be based solely on the evidence presented in the investigator’s report and the responses submitted by the parties.

Within ten (10) days of receiving the investigator’s report and written responses of the parties, the panel shall complete and give the parties and the disciplinary authority a written determination and rationale.

b. Imposition of sanction.

If there is a finding of policy violation, the disciplinary authority will promptly initiate disciplinary action against a respondent.

In all cases, the disciplinary authority will consult with the vice president of human resources or designee, the Title IX coordinator or designee, the director of equal opportunity, and/or other relevant administrator, as appropriate when determining the appropriate sanction.

The disciplinary authority will impose a sanction designed to eliminate the harassment or hostile environment, prevent its recurrence, and remedy its effects, while supporting the College’s educational mission and Title IX obligations and ensuring fundamental fairness. Sanctions or interventions may also serve to promote safety or deter individuals from similar future behavior.

When deciding upon sanctions, the disciplinary authority may request that the parties and other affected individuals, as appropriate, voluntarily provide a written impact statement for consideration.

The disciplinary authority may impose any sanction deemed appropriate after a consideration of all of the relevant information. In considering the appropriate sanction, the disciplinary authority will consider the following factors: (1) the respondent’s prior discipline history;^[L]^[SEP](2) how the College has sanctioned similar incidents in the past;^[L]^[SEP](3) the nature and violence of the conduct at issue; (4) the impact of the conduct on the complainant; (5) the impact of the conduct on the community, its members, or College property; (6) whether the respondent is reasonably likely to engage in the conduct in the future; (7) the need to deter similar conduct by others; (8) the College’s values and community standards; and (9) any other mitigating or aggravating circumstances. Absent compelling justifications, if the respondent engages in a pattern of the same or similar conduct, the recommended sanction will be termination.

The sanction may include any form of responsive action or progressive discipline, including training, referral to counseling, any of the remedies described in these procedures in Remedy-based resolution, and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension or termination.

c. Notice of Outcome.

The College's written determination of whether College policy was violated will be provided simultaneously to the complainant and the respondent. Any change in this determination that occurs prior to the time it becomes final will also be communicated simultaneously in writing.

If a policy violation was found, within five (5) days of the written determination, the disciplinary authority will give the respondent written notice of any sanctions, the date by which the requirements must be satisfied (if applicable), and the consequences of failure to satisfy the requirements. At the same time, the complainant will be notified in writing of any sanctions that directly relate to the complainant, including information about the respondent's presence on campus (or in a shared working environment) that may help a complainant make informed decisions.

The imposition of sanctions will take effect immediately.

d. Reconsideration.

Either party may request reconsideration of the determination of responsibility or sanction(s) in writing to the faculty deputy Title IX coordinator. Absent extraordinary circumstances, the request must be filed within five (5) business days of receiving the written determination of responsibility or sanction(s).

The complainant and/or respondent may only request reconsideration of the parts of the determination or sanctions directly relating to them. Dissatisfaction with the determination is not grounds for reconsideration. The limited grounds for reconsideration and the process for reconsideration are as follows:

- i. If the request for reconsideration is based on new evidence that could affect the determination and that was unavailable at the time of investigation, then the request for reconsideration and the new evidence shall be reviewed by the faculty panel;
- ii. If the request for reconsideration is based on a claim of procedural error(s) that had a material impact on the fairness of the determination, then the request for reconsideration shall be reviewed by elected members of the Committee on Faculty Procedures (COFP).
- iii. If the request for reconsideration is based on a claim that the sanctions imposed were grossly disproportionate to the violation committed, then the request for reconsideration shall be reviewed by the disciplinary authority.

The request for reconsideration shall consist of a plain, concise, and complete written statement outlining the grounds for the reconsideration. Upon receipt of a request for reconsideration, the reviewer (the faculty panel, the disciplinary authority or COFP) will notify both parties. Each party has an opportunity to respond in writing to the request for

reconsideration. Any response to the request must be submitted within five (5) business days from receipt of the request for reconsideration.

In any request for reconsideration, the burden of proof lies with the party requesting the reconsideration, as the original determination and sanction are presumed to have been decided reasonably and appropriately. The reconsideration is not a^[SEP] new review of the underlying matter. The reviewer shall consider the merits of reconsideration only on the basis of the relevant ground for reconsideration. The reviewer can affirm the original findings, alter the findings, and/or alter the sanctions, depending on the basis of the requested reconsideration. A request for reconsideration based on a claim of procedural error(s) may be made in the absence of a request for reconsideration based on new evidence, at the same time as a request for reconsideration based on new evidence, or can be submitted within five (5) business days from receipt of the result of a request for reconsideration based on new evidence.

The reviewer will communicate the result^[SEP] of the reconsideration to the complainant and respondent within five (5) business days from the date of the submission of all reconsideration documents by both parties. With the exception of the procedures for termination of appointment of instructional staff outlined below, reconsideration decisions are not subject to further review.

The Title IX coordinator will review and retain copies of all reports generated as a result of investigations. These records will be kept confidential to the extent permitted by law.

VI. Special Provisions for Instructional Staff

Complaints against an instructional staff member that involve educational content or conduct in an instructional role raise issues of academic freedom, which is protected by the College's policy on Academic Freedom and Responsibility, found in II-A.2. in the Handbook for Instructional Staff. In such cases, the provost (or designee) will confer with the Committee on Faculty Procedures to determine how academic freedom should factor into a Title IX assessment, an investigative report, and/or a sanction.

Termination of a tenured appointment, or of a term appointment before its expiration, occurs only for adequate cause. Where the disciplinary authority recommends termination as the appropriate sanction for tenured faculty or faculty for whom a term appointment has not expired, the College will employ the "Termination of Appointments" found in III-A.13 in the Handbook for Instructional Staff.

In applying these procedures, the finding that the policy has been violated will not be revisited. The sole decision for the special committee of faculty, if convened under the "Termination of Appointments" procedure, is whether the specific policy violation constitutes "serious shortcomings" sufficient to support adequate cause for termination or dismissal.

VII. Role of Advisor

The complainant and respondent have the option to be assisted by an advisor of one's choice, provided the person is available and willing to serve in this role. If the advisor is an attorney or other retained person, the advisor must be retained at the initiative and expense of the party. If the advisor is an attorney, the College's attorney may also attend any meeting. An attorney's participation in the meeting or proceeding will be governed by the same restrictions that apply to advisors.

The advisor cannot be an identified witness or have any conflicting role in the process or with a party in the proceedings. The College's duty is to the complainant and respondent, not the advisor. All communication is made directly with the complainant/respondent, who can share information with their advisor, at their discretion. At the discretion of the complainant or respondent, the advisor may accompany the complainant or respondent to any meeting related to these procedures. The advisor is expected to be a silent and non-participating observer, except to ask for a short break if the complainant/respondent requires some time for composure or to collect thoughts. The advisor may communicate with the complainant/respondent during proceedings in a non-disruptive manner. The advisor may not delay, disrupt, or otherwise take action to interfere with the integrity of the meeting. The advisor may be required to leave the meeting if disruptive.

To serve as an advisor, the individual will be required to meet with the Title IX coordinator, the College's legal counsel, or designee in advance of any participation in any meeting under this procedure.

VIII. Outside Agreements

The College will not recognize or enforce agreements between the parties reached outside of these procedures.

IX. Records

While complaints resolved by Title IX assessment or remedies-based resolution are not part of an employee's official personnel file, the College will retain separate records of all reports, allegations, complaints, Title IX assessments, remedies-based resolutions, investigations and sanctions.

A finding of policy violation and any imposition of sanction becomes part of the employee's official personnel file. Such records shall be used in reviewing the employee's overall performance, any further conduct, or in developing sanctions.

X. Interim Measures

A. Overview

Upon receipt of a report of sexual assault or harassment, the College has the responsibility to ensure the integrity of the assessment, resolution and/or investigative processes and to protect the safety of all parties and the broader College community. To meet these goals, the College will

offer supportive resources to the parties and may take reasonable and appropriate interim measures designed to eliminate the reported hostile environment and protect the parties involved.

The College will maintain consistent contact with the parties to ensure that all safety^[L] and emotional and physical well-being concerns are being addressed. Interim measures may be imposed regardless of whether formal disciplinary action is sought by the complainant or the College. The imposition of such measures assumes no determination of responsibility.

A complainant or respondent may request separation or other protection, or the College may choose^[L] to impose interim measures at its discretion to ensure the safety of all parties, the broader College community, and/or the integrity of the investigative and/or resolution process.

Interim measures that do not impact the respondent (such as referral to emotional counseling or academic support for the complainant) will be decided on by the Title IX coordinator in consultation with other relevant administrators.

The respondent will be notified in writing of an interim measure that impacts a respondent and the nature of the charges that have led to this action. With the exception of administrative leave (which is normally imposed by the president), interim measures that impact a respondent will be decided on by the appropriate president's staff member.

Administrative Leave. If the president or the appropriate president's staff member decides at any point that the safety of any member of the College community is at stake, a temporary administrative leave with pay may be imposed on an employee who is suspected of violating this policy, or who otherwise poses a risk of safety to the campus, until the time that investigation or disciplinary action can be completed. The investigation will be completed as soon as possible within the timeframes described in this procedure. This action assumes no determination of responsibility. See Special Considerations for Interim Measures and Instructional Staff, below.

All individuals are encouraged to report concerns about failure of another individual to abide by any restrictions imposed by an interim measure. The College will take immediate and responsive action to enforce a previously implemented measure.

B. Range of Interim Measures for Employees

Interim measures that may be implemented include, but are not limited to:

- providing an escort to ensure safe movement on campus;
- providing medical services to students or contacting EMS services for employees and others;
- student access to counseling services and assistance in setting up an initial appointment, on and off campus;^[L] or employee access to the Employee Assistance Program—Carebridge referral to the Delaware County Women Organized Against Rape, The Mazzoni Center, or other supportive resources;
- imposition of an on-campus “no-contact directive”;
- rescheduling of exams and assignments; changing class schedules, including the ability to transfer course sections or withdrawal from a course without penalty;
- providing academic support services, such as tutoring; and providing alternative course completion options;

- changing work schedules, job assignments, and worksite location;
- limiting an individual's or organization's access to certain College facilities or activities pending resolution of the matter;
- voluntary leave of absence;
- administrative leave; and/or
- any other remedy that can be tailored to the involved individuals to achieve the goals of this policy.

C. Special Considerations for Interim Measures and Instructional Staff

In cases in which a member of the instructional staff is the respondent, and in which issues of academic freedom are involved, the provost (or the president, in the case of administrative leave) will consult with the Committee on Faculty Procedures, normally before an interim measure impacting a respondent is imposed. In the event that the safety of any member of the College community is immediately at stake, the consultation with COFP may occur after the imposition of the interim measure.

If a member of the instructional staff is a respondent and believes that the imposition of an interim measure constitutes a violation of academic freedom, the instructional staff member may request, in writing, a review of the interim measure by the elected members of the COFP, who will advise the provost (or the president, in the case of administrative leave) of the appropriateness of the interim measure. The provost (or president) may then continue, modify or suspend the interim measure, as appropriate, to ensure the integrity and fundamental fairness of the process, and protect the safety of all the parties and the College community.

SEX OFFENDER REGISTRY AND ACCESS TO RELATED INFORMATION

The Federal Campus Sex Crimes Prevention Act requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a state concerning registered sex offenders may be obtained. It also requires registered sex offenders to provide notice to the state as to whether the person is a student, or works at an institution of higher education, identify each institution of higher education in that state at which the person is employed, carries on a vocation, or is a student, and must also alert the state of any change in enrollment or employment status. Here in Pennsylvania, the Pennsylvania State Police make this type of information available through their web site at <http://www.pameganslaw.state.pa.us/> Please note that not all sex offenders are required to be included in this listing.

ANNUAL DISCLOSURE OF CRIME STATISTICS

Definitions of Clery Act Crimes

The conclusion of this annual campus security report contains statistical accounting of various crimes that have been reported to the Department of Public Safety. The definitions used to classify

these incidents are required to come from the Federal Uniform Crime Reporting Program and the National Incident-Based Reporting System and are as follows:

Murder and Non-negligent Manslaughter - The willful non-negligent killing of one human being by another. Exclude deaths caused by negligence, suicide, or accident; justifiable homicides; and attempts to murder or assaults to murder. Negligent manslaughter is the killing of another person through negligence. Justifiable homicide is limited to: (1) the killing of a felon by a law enforcement officer in the line of duty; and (2) the killing of a felon by a private citizen.

Sex offenses – Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

- Rape: 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.
- Fondling: 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 hi/her age or because of his/her temporary or permanent mental incapacity.
- Incest: sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape: sexual intercourse with a person who is under the statutory age of consent. In Pennsylvania the age consent is sixteen years of age.

Sex Offenses, - The Campus SaVE Act/VAWA adds the following offenses to the list of criminal offenses for which statistics must be reported:

Domestic Violence: The term "domestic violence" includes felony or misdemeanor crimes 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 of violence occurred, or 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 of violence occurred.

Dating Violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence. Dating violence involves a person

- Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - The length of the relationship.

- The type of relationship.
- The frequency of interaction between the persons involved in the relationship.

Stalking:

The term "stalking" means 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.

For the purposes of this definition—

Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Jurisdictional Definitions of Domestic Violence, Dating Violence, Sexual Assault and Stalking

(Pennsylvania State Law)

Domestic Violence: Pennsylvania defines domestic abuse as one or more of the following acts occurring between family or household members, sexual or intimate partners, or people who have a child in common:

- purposefully or recklessly causing or attempting to cause bodily injury, serious bodily injury, rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault, or incest with or without a deadly weapon
- causing another person to reasonably fear imminent serious bodily injury
- false imprisonment
- physically or sexually abusing a minor child, or
- engaging in a course of conduct or repeatedly committing acts directed at another person under circumstances that place the person in reasonable fear of bodily injury. "Family or household members" means current or former spouses, persons who live or have lived as spouses, parents and children, other persons related by blood or marriage, current or former intimate or sexual partners, or persons who have a child in common.

Dating Violence: The state of Pennsylvania does not have a definition for dating violence.

Sexual Assault: The state of Pennsylvania defines sexual assault as follows: Except as provided in section 3121 (relating to rape) or 3123 (relating to involuntary deviate sexual intercourse), a person commits a felony of the second degree when that person engages in sexual intercourse or deviate sexual intercourse with a complainant without the complainant's consent.

Rape: The state of Pennsylvania defines rape as follows: (a) Offense defined.--A person commits a felony of the first degree when the person engages in sexual intercourse with a complainant.

(1) By forcible compulsion.

(2) By threat of forcible compulsion that would prevent resistance by a person of reasonable resolution.

(3) Who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occurring.

(4) Where the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance.

(5) Who suffers from a mental disability which renders the complainant incapable of consent.

Involuntary Deviate Sexual Intercourse: The state of Pennsylvania defines involuntary deviate sexual intercourse as follows:

a) Offense defined- A person commits a felony of the first degree when the person engages in deviate sexual intercourse with a complainant:

(1) by forcible compulsion;

(2) by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution;

(3) who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occurring;

(4) where the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance;

(5) who suffers from a mental disability which renders him or her incapable of consent; or

(6) Deleted by 2002, Dec. 9, P.L. 1350, No. 162, § 2, effective in 60 days.

(7) who is less than 16 years of age and the person is four or more years older than the complainant and the complainant and person are not married to each other.

Statutory Sexual Assault: The state of Pennsylvania defines statutory sexual assault as follows:

(a) Felony of the second degree.--Except as provided in section 3121 (relating to rape), a person commits a felony of the second degree when that person engages in sexual intercourse with a complainant to whom the person is not married who is under the age of 16 years and that person is either:

(1) four years older but less than eight years older than the complainant; or (2) eight years older but less than 11 years older than the complainant.

(b) Felony of the first degree.--A person commits a felony of the first degree when that person engages in sexual intercourse with a complainant under the age of 16 years and that person is 11 or more years older than the complainant and the complainant and the person are not married to each other.

Indecent Assault: The state of Pennsylvania defines indecent assault as follows (a) Offense defined.--A person is guilty of indecent assault if the person has indecent contact with the complainant, causes the complainant to have indecent contact with the person or intentionally causes the complainant to come into contact with seminal fluid, urine or feces for the purpose of arousing sexual desire in the person or the complainant and:

- (1) the person does so without the complainant's consent;
- (2) the person does so by forcible compulsion;
- (3) the person does so by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution;
- (4) the complainant is unconscious or the person knows that the complainant is unaware that the indecent contact is occurring;
- (5) the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance;
- (6) the complainant suffers from a mental disability which renders the complainant incapable of consent;
- (7) the complainant is less than 13 years of age; or
- (8) the complainant is less than 16 years of age and the person is four or more years older than the complainant and the complainant and the person are not married to each other.

Incest: The state of Pennsylvania defines incest as follows: A person is guilty of incest, a felony of the second degree, if that person knowingly marries or cohabits or has sexual intercourse with an ancestor or descendant, a brother or sister of the whole or half blood or an uncle, aunt, nephew or niece of the whole blood. The relationships referred to in this section include blood relationships without regard to legitimacy, and relationship of parent and child by adoption.

Stalking: The state of Pennsylvania defines stalking as follows: (a) Offense Defined - A person commits the crime of stalking when the person either:

- (1) engages in a course of conduct or repeatedly commits acts toward another person, including following the person without proper authority, under circumstances which demonstrate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person; or

(2) engages in a course of conduct or repeatedly communicates to another person under circumstances which demonstrate or communicate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person.

(b) Venue - (1) An offense committed under this section may be deemed to have been committed at either the place at which the communication or communications were made or at the place where the communication or communications were received. (2) Acts indicating a course of conduct which occur in more than one jurisdiction may be used by any other jurisdiction in which an act occurred as evidence of a continuing pattern of conduct or a course of conduct.

(c) Grading - (1) Except as otherwise provided for subsequent offenses, a first offense under this section shall constitute a misdemeanor of the first degree. Definitions.—

As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Communicates." To convey a message without intent of legitimate communication or address by oral, nonverbal, written or electronic means, including telephone, electronic mail, Internet, facsimile, telex, wireless communication or similar transmission.

"Course of conduct." A pattern of actions composed of more than one act over a period of time, however short, evidencing a continuity of conduct. The term includes lewd, lascivious, threatening or obscene words, language, drawings, caricatures or actions, either in person or anonymously. Acts indicating a course of conduct which occur in more than one jurisdiction may be used by any other jurisdiction in which an act occurred as evidence of a continuing pattern of conduct or a course of conduct.

"Emotional distress." A temporary or permanent state of mental anguish. "Family or household member." Spouses or persons who have been spouses, persons living as spouses or who lived as spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood. Aggravated Indecent Assault:

The state of Pennsylvania defines aggravated indecent assault as follows:

(a) Offenses defined – Except as provided in sections 3121 (relating to rape), 3122.1 (relating to statutory sexual assault), 3123 (relating to involuntary deviate sexual intercourse) and 3124.1 (relating to sexual assault), a person who engages in penetration, however slight, of the genitals or anus of a complainant with a part of the of the person's body for any purpose other than good faith medical, hygienic or law enforcement procedures commits aggravated indecent assault if:

- (1) the person does so without the complainant's consent;
- (2) the person does so by forcible compulsion
- (3) the person does so by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution;
- (4) the complainant is unconscious or the person knows that the complainant is unaware that the penetration is occurring;

(5) the person has substantially impaired the complainant's to appraise or control their conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants, or other means for the purpose of preventing resistance;

(6) the complainant suffers from a mental disability which renders them incapable of consent;

(7) the complainant is less than 13 years old;

(8) The complainant is less than 16 years of age and the person is four or more years older than the complainant and the complainant and the person are not married to each other.

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.

Aggravated Assault - An unlawful attack by the person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm. Attempts are included since it is not necessary that an injury result when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed. Exclude simple assaults.

Burglary - The unlawful entry of a structure to commit a felony or a theft. The use of force to gain entry is not required to classify an offense as a burglary. Burglary includes forcible entry, unlawful entry where no force is used, and attempted forcible entry.

Motor Vehicle Theft - the theft or attempted theft of a motor vehicle. Include the stealing of automobiles, trucks, buses, motorcycles, motor scooters, snowmobiles, and similar motor vehicles. Exclude motorboats, construction equipment, airplanes, and farming equipment.

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 of another, etc. Include fires determined to have been willfully or maliciously set. Exclude fires of suspicious or unknown origin.

Weapon Law 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; and all attempts to commit any of the aforementioned.

Drug Abuse 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, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

Liquor Law Violations - the violation of laws or ordinances prohibiting the manufacture, sale, transportation, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all

attempts to commit any of the aforementioned.

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. These incidents are counted when the event is related to a hate crime category.

Larceny-theft - the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Include crime such as shoplifting, pocket picking, purse-snatching, thefts from motor vehicles, thefts of motor vehicle parts and accessories, bicycle thefts, and similar thefts, in which no use of force, violence, or fraud occurs. Exclude embezzlement, confidence games, forgery, and worthless checks.

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.

Hate Crime- If the victim/survivor was intentionally selected because of actual or perceived race, gender, gender identity, religion, sexual orientation, ethnicity, national origin or disability.

Note: Swarthmore College is a non-sworn agency and does not have authority to “unfound” any crime.

Swarthmore College Department of Public Safety
Clery Act Crime Statistics - 2019 Report



	(*All On-Campus Property			Non-Campus Property			Public Property			Residential Facilities		
	2016	2017	2018	2016	2017	2018	2016	2017	2018	2016	2017	2018
Murder/Non-Negligent Manslaughter	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
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	1	0	0	0	0	0	0	0	0	1	0
Motor Vehicle Theft	1	1	0	0	0	0	0	0	0	0	0	0
Arson	1	0	0	0	0	0	0	0	0	0	0	0
BURGLARY (TOTAL)	2	3	0	0	0	0	1	0	0	0	1	0
Forcible Burglary	1	0	0	0	0	0	1	0	0	0	0	0
Non-Forcible Burglary	0	3	0	0	0	0	0	0	0	0	1	0
Attempted Burglary	1	0	0	0	0	0	0	0	0	0	0	0
SEX OFFENSES (TOTAL)	25	21	9	1	0	0	0	0	0	0	13	5
Rape	14	10	6	1	0	0	0	0	0	0	6	4
Fondling	11	11	3	0	0	0	0	0	0	0	7	1
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
Arrests												
Liquor Law Arrests	22	18	8	0	0	0	0	0	0	18	12	3
Drug Law Arrests	1	1	1	0	0	0	0	0	0	1	1	0
Illegal Weapons Possession Arrests	0	0	0	0	0	0	0	0	0	0	0	0
Referrals												
Liquor Law Violations	33	90	118	0	0	0	0	0	0	28	48	104
Drug Law Violations	21	50	44	0	0	0	0	0	0	21	48	37
Illegal Weapons Possession Violations	0	0	2	0	0	0	0	0	0	0	0	2

Notes on Clery Act Crime Statistics

(*) This category includes all on-campus incidents including those listed in the category "Residential Facilities", therefore the two categories are not cumulative, but duplicative.

(**) Denotes statistics not required by law
Individual category crime rates may be calculated by comparing the individual category to the combined full-time equivalent undergraduate student population (FTES) and the full-time equivalent employees. Dividing this population figure into 100,000 and multiplying the resultant figure by individual category statistics will produce the crime rate per 100,000 per category.

The combined student and employee totals are as follows: Year 2016 - 2,404, Year 2017 - 31,300, Year 2018 - 24,76

*Based on guidance from the 2016 Handbook for Campus Safety and Security Reporting the College has requested crime statistics for non-campus property locations. These locations are not contiguous to campus. The crime statistics will be updated as necessary when the information is received.

**Swarthmore College Department of Public Safety
Clery Act Hate Crime Statistics - 2019 Report**



The figures in the following crime categories depict the number of these crimes that manifested evidence that the victim was intentionally selected because of the perpetrators bias. See the "Key to Hate Crime notations" below for the types of bias that occurred.

	(*) All On-Campus Property				Non-Campus Property				Public Property				Residential Facilities		
	2016	2017	2018	2019	2016	2017	2018	2019	2016	2017	2018	2019	2016	2017	2018
Murder/Non-Negligent Manslaughter	0	0	0	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	0	0	0
Aggravated Assault	0	0	0	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	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
BURGLARY (TOTAL)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Forcible Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Non-Forcible Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Attempted Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SEX OFFENSES (TOTAL)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	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	0	0	0
Incest	0	0	0	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	0	0	0
Other Offenses	4	1	0	0	0	0	0	0	0	0	0	0	0	1	0
Larceny	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	1re	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Vandalism	3re	1ra	0	0	0	0	0	0	0	0	0	0	0	1ra	0
Other crimes involving bodily injury	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Notes on Clery Act Hate Crime Statistics

(*) This category includes all on-campus incidents including those listed in the category "Residential Facilities", therefore the two categories are not cumulative, but duplicative.
HATE CRIMES: Offenses motivated by a type of bias or prejudice will have a superscript notation for the type of bias.
Key to Hate Crimes Notations: Race = ra Sexual Orientation = s Gender = g Ethnicity = e Religion = re Disability = d

National Origin = no Gender Identity = gi

Please note that National Origin and Gender Identity are new Hate Crimes notations for the 2012 calendar year. Numbers in parenthesis indicate the total number of incidents that were motivated by each type of bias.

Individual category crime rates may be calculated by comparing the individual category to the combined full-time equivalent undergraduate student population (FTES) and the full-time equivalent employees. Dividing this population figure into 100,000 and multiplying the resultant figure by individual category statistics will produce the crime rate per 100,000 per category.

The combined student and employee totals are as follows: Year 2016 - 2,404, Year 2017 - 3,130, Year 2018 - 2,476

*Based on guidance from the 2016 Handbook for Campus Safety and Security Reporting the College has requested crime statistics for non-campus property locations. These locations are not contiguous to campus. The crime statistics will be updated as necessary when the information is received.



**Swarthmore College Department of Public Safety
Clery Act VAWA Statistics - 2019 Report**

The Clery Act, as amended in 2013, to include three additional crimes. Those crimes relate to Intimate Partner Violence: dating violence, domestic violence and/or stalking.

While institutions are required to capture dating violence, domestic violence and stalking statistics for the 2013 calendar year, Swarthmore College made a good faith effort to gather the data in 2012, which is reflected below.

	(*)All On-Campus Property			Non-Campus Property			Public Property			Residential Facilities		
	2016	2017	2018	2016	2017	2018	2016	2017	2018	2016	2017	2018
Violence Against Women's Act Offenses (VAWA) (Total) (**)	19	8	8	0	0	0	0	0	0	10	4	1
Domestic Violence	1	0	1	0	0	0	0	0	0	1	0	0
Dating Violence	15	6	7	0	0	0	0	0	0	8	4	7
Stalking Incidents	3	2	0	0	0	0	0	0	0	1	0	0

Notes on Clery Act VAWA Statistics

Note for the 2016 Report: In preparing the AFSSR 2016 report and reviewing the Handbook for Campus Safety and Security Reporting 2016 we reviewed the statistics for VAWA 2014 and identified one incident that was coded under Public Property and should have been coded as On Campus Residence Hall.

(*) This category includes all on-campus incidents including those listed in the category "Residential Facilities", therefore the two categories are not cumulative, but duplicative.

(**) New Crime entries in accordance with the Violence Against Women's Act ("VAWA") Reauthorization signed into law on March 7, 2013. While there is no requirement to provide these statistics until 2014 for the 2013 calendar year, a review was performed for calendar year 2012 as a baseline for data collection.

Individual category crime rates may be calculated by comparing the individual category to the combined full-time equivalent undergraduate student population (FTES) and the full-time equivalent employees. Dividing this population figure into 100,000 and multiplying the resultant figure by individual category statistics will produce the crime rate per 100,000 per category.

The combined student and employee totals are as follows: Year 2016 - 2404, Year 2017 - 3130, Year 2018 - 2476

*Based on guidance from the 2016 Handbook for Campus Safety and Security Reporting the College has requested crime statistics for non-campus property locations. These locations are not contiguous to campus. The crime statistics will be updated as necessary when the information is received.



**Swarthmore College Department of Public Safety
Non-Clery Act Crime Statistics - 2019 Report**

	(*)All On-Campus Property			Non-Campus Property			Public Property			Residential Facilities		
	2016	2017	2018	2016	2017	2018	2016	2017	2018	2016	2017	2018
Larceny	36	25	16	0	0	0	0	0	0	13	8	6

Notes on Non-Clery Act Crime Statistics

(*) This category includes all on-campus incidents including those listed in the category "Residential Facilities", therefore the two categories are not cumulative, but duplicative.
 (**) Denotes statistics not required by the Clery Act but for informational purposes only.

Individual category crime rates may be calculated by comparing the individual category to the combined full-time equivalent undergraduate student population (FTES) and the full-time equivalent employees. Dividing this population figure into 100,000 and multiplying the resultant figure by individual category statistics will produce the crime rate per 100,000 per category.

The combined student and employee totals are as follows: Year 2016 -2404, Year 2017 - 3130, Year 2018 - 2476

**Based on guidance from the 2016 Handbook for Campus Safety and Security Reporting the College has requested crime statistics for non-campus property locations. These locations are not contiguous to campus. The crime statistics will be updated as necessary when the information is received.*

Monitoring/Recording Criminal Activity at Off-Campus Locations of Student Organizations

Swarthmore College non-campus locations are patrolled by, and crimes are reported to, the respective law enforcement agency of that jurisdiction. Swarthmore College Public Safety communicates with, and requests crime reports from these other law enforcement agencies. Swarthmore College relies on its close working relationships with local law enforcement agencies to receive information about incidents involving Swarthmore College students and recognized student organizations, on and off campus. In coordination with local law enforcement agencies, Swarthmore College Department of Public Safety will actively investigate certain crimes occurring on or near campus. If Swarthmore College Department of Public Safety learns of criminal activity involving students or student organizations, it will coordinate with the appropriate external law enforcement agency to forward information about the situation to the Deans Office, as appropriate.

Swarthmore College requires all recognized student organizations to abide by federal, state, and local laws, and Swarthmore College regulations. Swarthmore College may respond to off-campus misconduct of recognized student organizations when such conduct is in violation of the Swarthmore College [Student Handbook](#), and based on the guidance surrounding off-campus activity referenced in the [Jurisdiction Section of the Student Handbook](#).

ANNUAL FIRE SAFETY REPORT

This report is published annually in accordance with Section 488(g) of the Higher Education Opportunity Act otherwise known as the Campus Fire Safety Right-to-Know. It is made available on the college's Public Safety website by October 1st of each year and details statistics on fires in the college's on-campus housing facilities, a description of the college's fire safety systems, and other related information.

All currently registered students as well as employees are directly notified by electronic mail of the report's availability and a link to the electronic address where the report is posted. This report is also available in paper form upon request. Prospective students and employees are informed of the report's availability as well.

General Statement of College-Owned Student Housing Fire-Safety Systems

Except as noted below, all of the on-campus residence halls at Swarthmore College are protected

throughout by automatic sprinklers and fire alarm systems which are continuously monitored by the Department of Public Safety. Fire detection devices include smoke detectors throughout the residence halls including the residence hall rooms. Heat detectors are also provided in many students' room as one integrated unit with the room's smoke detector. Plans for future improvements in fire safety, if determined necessary by the institution, will be implemented with all due diligence and speed.

Emergency power is provided to the majority of the residence halls by emergency generators that are designed to automatically activate whenever there is a power loss. These generators will provide power to operate life safety systems including all fire safety equipment, sprinkler systems, hallway lighting, emergency exit doors, and lighting in all emergency exit stairwells. The individual fire alarm system panels have standby batteries to power alarm detection and evacuation signals in case of normal power failure in accordance with applicable codes and standards.

Kyle Hall and Woolman Hall house a total of 30 students and are not supplemented by emergency generators, however battery packs power emergency lighting and exit signs.

Exceptions to the fire safety systems installed in the above residence halls are as follows:

The Strath Haven Condominiums, which are not owned by the college, houses 23 students who live on the second third and fourth floors. The building is not protected by automatic sprinklers. However there are connections for fire department hose line's on each level of the building. The building has a fire alarm system installed throughout the structure with smoke detection in hallways and common areas of the building. Remote monitoring of the alarm system is contracted for by the owner's of the building. The Department of Public Safety is not notified when the fire alarm system is activated in this building.

The two fraternity houses, Delta Upsilon and Phi Omicron Psi, do not have automatic sprinkler systems nor are the houses supplemented by emergency generators. However battery packs are provided to power emergency lights and exit signs.

- Both Phi Omicron Psi Fraternity House and the Delta Upsilon Fraternity House have a fixed fire alarm system consisting of manual pull stations and addressable smoke detection on all occupied floors. The alarm system is monitored twenty-four hours a day by the Department of Public Safety Communications Center that is staffed continuously around the clock.

Fire Event Log

The Department of Public Safety maintains a log of all fire events that occur in the on-campus student housing facilities including the Fraternity Houses and the Strath Haven Condominiums. The log lists the date, time and nature of the fires as well as location of the fires. The fire log is integrated with the daily crime log combining all incident information into one format.

Training

All Resident Assistants receive comprehensive fire safety training at the beginning of the academic year, which includes lectures and demonstrations on the behavior of fires, automatic sprinklers, building evacuation, and proper use of fire safety equipment. The Dean's office, Academic, Facilities and Residential staff work with students with special needs to develop personalized emergency plans, procedures and audio/visual devices as needed.

Every student room has an emergency evacuation map posted inside the door. Fire drills are conducted each semester in each residence hall (twice per year) with the exception of the Strath Haven Condominiums whose building is not owned by the college. Public safety also provides guidance and information pertaining to evacuations and emergency procedures during new employee and student orientation sessions.

Specific Fire Prevention Related Policies

It is the policy of Swarthmore College to provide faculty, staff, students and visitors with the safest possible environment, free from potential fire hazards. The primary goal of the College's fire prevention program is to recognize hazardous conditions and take appropriate action before such conditions result in a fire emergency.

Fire Reporting, Drills and Evacuation Response

All building fire alarms are monitored by Communications Center continuously around the clock. In the event of a problem with the central monitoring system the fire alarm panels will still work locally for each building. In the event of discovery of a fire, students, staff and faculty are urged to activate the building fire alarm by pulling the handle on a red fire pull station and call the Department of Public Safety emergency telephone line (x8333) immediately and evacuate the building. If individuals are in a building and the alarm goes off, they should go outside by the shortest possible route and wait until permission is given to re-enter the building.

Fire drills are held twice per year in each residence hall for the protection of the students except as noted. The drills are conducted by Public Safety Officers in conjunction with the Resident Assistants in each Residence Hall. The Resident Assistants assist Public Safety in the evacuation process both during fire drills and actual alarms guiding students to pre-determined gathering places to aid in accounting for those occupants who have evacuated. Students are encouraged to take the opportunity of a fire drill to learn the quickest and safest ways out of the residence halls. The exception here is Strath Haven Condominiums where there are no drills held as the individual Condominiums are treated as separate housing units.

Fire Prevention and Related Policies

- **Fires, Fire Safety Equipment, and Alarms**

- Tampering or interference with, as well as destruction or misuse of, fire safety and fire prevention equipment is prohibited and is a violation of state law. An automatic fine of \$125 for each piece of equipment plus the cost of replacement of equipment is charged to any student violating this regulation, and further disciplinary action may be taken. Any student who causes an alarm to be set off for improper purposes is liable for the expenses incurred by the fire department(s) in responding to the alarm. If no individuals accept responsibility when a violation of this policy occurs in a residence hall, all residents of that residence hall are subject to fines and charges for costs incurred by the College and/or fire department(s).
- Open flames are not permitted in residence halls. Any student with an open flame (e.g., candle, incense) will be subject to a \$500 fine. Students are financially responsible for damages resulting from reckless conduct or violation of College rules regulating residence hall safety.
- **Fire and Safety Rules**
 - Fire drills are held on a regular basis. Directions for fire drill procedures are posted in every building. Hallways and stairwells must be kept clear of bicycles, trunks, and furniture, and may not be used for storage. Items impeding on free movement in public spaces, including halls and stairways, will be removed (including cutting locks, when necessary) and their owners may be charged for their removal.
 - Open flames are not permitted in residence halls. Any student with an open flame (e.g., candle, incense) will be subject to a \$500 fine. Students are financially responsible for damages resulting from reckless conduct or violation of College rules regulating residence hall safety. Do not cover, hang things from, or otherwise disturb sprinklers, smoke detectors, or any other fire safety equipment. Damage or misuse of fire safety equipment will result in replacement costs plus a minimum \$500 fine. Continued violations of this policy will result in the loss of College housing privileges.
 - Tampering, interference, misuse, or destruction of fire safety and fire prevention equipment is prohibited and is a violation of state law. Damage or misuse of fire safety equipment will result in replacement costs plus a minimum \$500 fine, and further disciplinary action may be taken. Any student who causes an alarm to be set off for improper purposes is liable for the expenses incurred by the fire department(s) in responding to the alarm. If no individuals accept responsibility when a violation of this policy occurs in a residence hall, all residents of that residence hall are subject to fines and charges for costs incurred by the College and/or fire department(s).
 - **Prohibited Objects:** The following are prohibited by fire regulations: cooking appliances (including coffee makers, hot plates, toaster ovens, or other items with open heat elements); space heaters; candles, incense, and other open flame items; and halogen lamps. Any student with an open flame (e.g., candle, incense) will be subject to a \$500 fine. The cooking facilities in residence halls are designed only for occasional snack use and not for regular meal preparation. Students are not permitted to cook in dormitory rooms or bring microwaves. Students may bring small

refrigerators for their dorm rooms, but they must meet all College specifications (Energy Star rated; no larger than 24" x 18" x 18"). Wastebaskets must be metal. Extreme care must be taken with irons, clothes steamers, curling irons, and other personal care devices. Electrical items using excessive wattage are prohibited. Extension cords must be Underwriter's Lab approved; outlet strips must have a built-in circuit breaker. No gas powered vehicles are permitted in the buildings. Student-built Lofts are prohibited. Infants, children, and guests may not reside in College housing without prior permission.

- Smoking is prohibited in all indoor spaces throughout the College, including meeting rooms, lounges, offices, and residence halls. A \$25 fine in addition to other potential penalties, including exclusion from campus housing, will be charged for violating this policy. Altering smoke detectors creates danger for all building occupants and will be met with disciplinary action. Smoking is allowed outdoors at a minimum distance of 25 feet from all buildings.



Swarthmore College Department of Public Safety
Clery Act Fire Safety Residence Hall Fire Protection - 2019 Report

Fire Safety Systems in Swarthmore College Residential Facilities 2018							
Residence Hall	Partial Sprinklers		Fire			Evacuation Plans & Placards	Number of Fire Drills Each year
	(1)	(2)	Smoke Detection	Extinguisher Devices			
Residence Hall							
Parrish Hall / 500 College Avenue		X	X	X	X	X	2
Alice Paul Hall / 500 College Avenue		X	X	X	X	X	2
Bond Lodges / 500 College Avenue		X	X	X	X	X	2
Dana Hall / 500 College Avenue		X	X	X	X	X	2
David Kemp Hall / 500 College Avenue		X	X	X	X	X	2
Danawell / 500 College Avenue		X	X	X	X	X	2
Delta Upsilon Fraternity / 500 College Avenue			X	X	X	X	2
Hallowell Hall / 500 College Avenue		X	X	X	X	X	2
Kyle Hall / #1 Whittier Place		X	X	X	X	X	2
Mary Lyons #4 / 805 Harvard Avenue		X	X	X	X	X	2
Mertz Hall / 500 College Avenue		X	X	X	X	X	2
Palmer Hall / 116 South Chester Road		X	X	X	X	X	2
Phi Si Fraternity / 500 College Avenue			X	X	X	X	2
Pittenger Hall / 116 South Chester Road		X	X	X	X	X	2
PPR Apartments / 116 South Chester Road		X	X	X	X	X	2
Roberts Hall / 116 South Chester Road		X	X	X	X	X	2
Willets Residence Hall / 500 College Avenue		X	X	X	X	X	2
Woolman House / 402 Walnut Lane		X	X	X	X	X	2
Wharton Hall / 500 College Avenue		X	X	X	X	X	2
Worth Hall / 500 College Avenue		X	X	X	X	X	2

(1) Partial Sprinkler System is defined as having sprinklers in the common areas only

(2) Full Sprinkler system is defined as having sprinklers throughout the Residence Hall



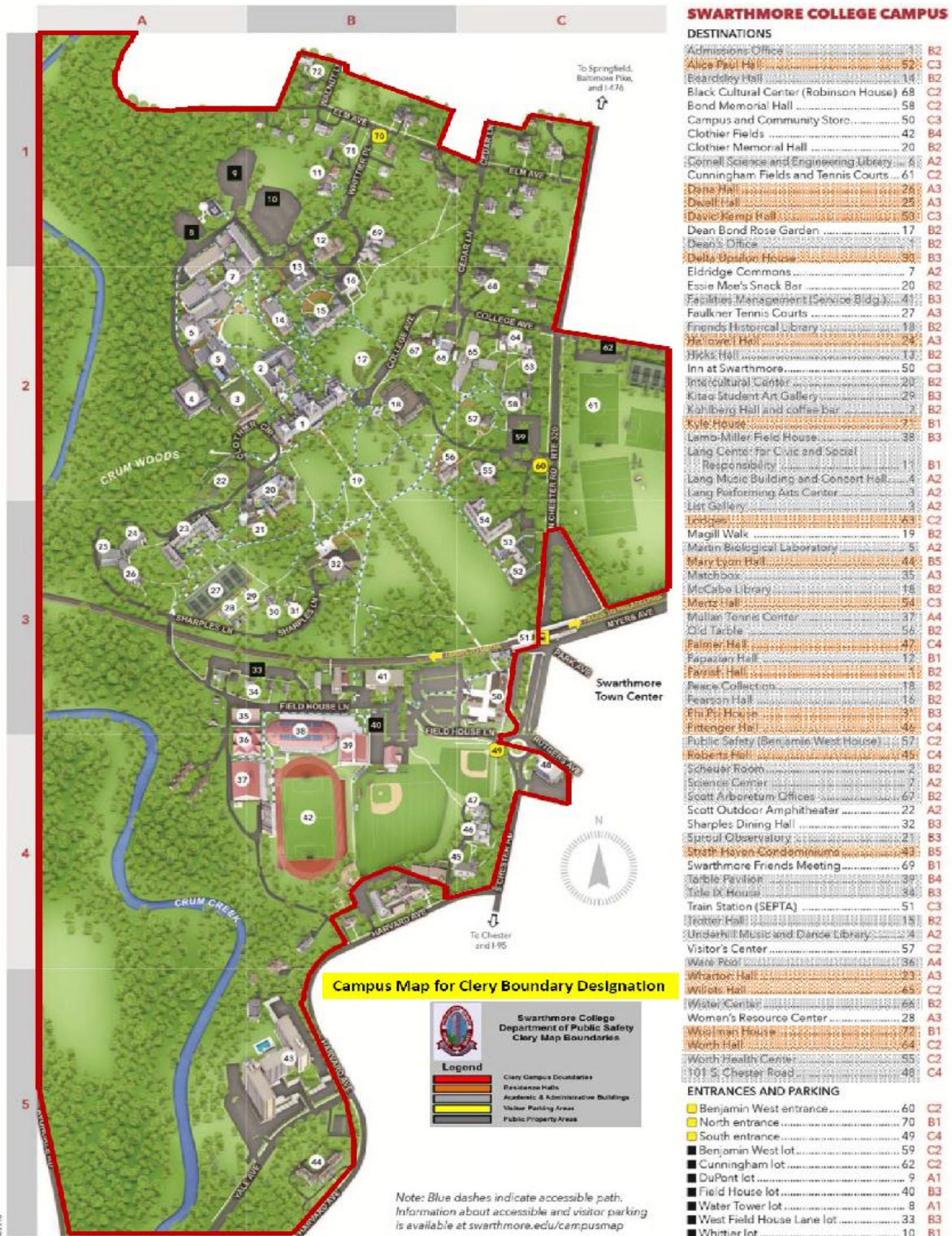
Swarthmore College Department of Public Safety
Clery Act Fire Safety Statistics - 2019 Report

	On Campus Residential Facilities 2016 - 2018																	
	Total Fires			Cause of Fire			Total injuries requiring medical treatment			Total Number of Deaths			Value of Property Damage			Total Fire Drills		
	2016	2017	2018	2016	2017	2018	2016	2017	2018	2016	2017	2018	2016	2017	2018	2016	2017	2018
Residence Hall	0	0	0				0	0	0	0	0	0	\$0	\$0	\$0	2	2	2
Parrish Hall	0	0	0				0	0	0	0	0	0	\$0	\$0	\$0	2	2	2
Alice Paul Hall	0	0	0				0	0	0	0	0	0	\$0	\$0	\$0	2	2	2
Bond Lodges	0	0	0				0	0	0	0	0	0	\$0	\$0	\$0	2	2	2
Dana	0	0	0				0	0	0	0	0	0	\$0	\$0	\$0	2	2	2
Danawell	0	0	0				0	0	0	0	0	0	\$0	\$0	\$0	2	2	2
David Kemp Hall	0	0	0				0	0	0	0	0	0	\$0	\$0	\$0	2	2	2
Delta Upsilon	0	0	0				0	0	0	0	0	0	\$0	\$0	\$0	2	2	2
Fraternity House	0	0	0				0	0	0	0	0	0	\$0	\$0	\$0	2	2	2
Hallowell Hall	0	0	0				0	0	0	0	0	0	\$0	\$0	\$0	2	2	2
Kyle	0	0	0				0	0	0	0	0	0	\$0	\$0	\$0	2	2	2
Mary Lyons #4	0	0	0				0	0	0	0	0	0	\$0	\$0	\$0	2	2	2
Mertz Hall	0	0	0				0	0	0	0	0	0	\$0	\$0	\$0	2	2	2
Palmer	0	0	0				0	0	0	0	0	0	\$0	\$0	\$0	2	2	2
Phi Si Fraternity House	0	0	0				0	0	0	0	0	0	\$0	\$0	\$0	2	2	2
PPR Apartments	0	0	0				0	0	0	0	0	0	\$0	\$0	\$0	2	2	2
Pittenger Hall	0	0	0				0	0	0	0	0	0	\$0	\$0	\$0	2	2	2
Roberts Hall	0	0	0				0	0	0	0	0	0	\$0	\$0	\$0	2	2	2
Strath Haven Condominiums	0	0	0			Mechanical Equip.	1	0	0	0	0	0	0*	0*	0	0	0	0
Wharton Hall	0	0	0				0	0	0	0	0	0	\$0	\$0	\$0	2	2	2
Willets Hall	0	0	0			Trash can	1	0	0	0	0	0	\$50	\$0	\$0	2	2	2
Woolman House	0	0	0				0	0	0	0	0	0	\$0	\$0	\$0	2	2	2
Worth Hall	0	0	0				0	0	0	0	0	0	\$0	\$0	\$0	2	2	2
Totals	0	0	0				2	0	0	0	0	0	\$50	\$0	\$0	38	40	38

(*) Note: there was no damage to college property in the mechanical equipment fire at Strath Haven Condominiums

For the year 2018, Kyle and Strath Haven Condominium's were not utilized as residence halls

Swarthmore College Clery Act Geographical Designations



Swarthmore College Garnet Towers/Blue Light Phone Locations

