



**2020 ANNUAL SECURITY REPORT  
& ANNUAL FIRE SAFETY REPORT  
HAVERFORD COLLEGE**

December 18, 2020

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## **Message from the Director of Campus Safety**

This report is prepared in compliance with the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act as amended by the Violence Against Women Reauthorization Act of 2013, and the Campus Fire Safety Right to Know Act. The statistics are maintained and compiled by the Campus Safety Department. The report is available on-line at: <https://www.haverford.edu/campus-safety/safety-information>

Information about the link to the report is disseminated via email to current faculty, staff, and students. Information about the report is also provided to prospective students and prospective employees. A paper copy of this report is available upon request by contacting the Campus Safety Department at 610-896-1111.

## **Preparation of the Annual Security Report and Disclosure of Crime Statistics**

The Campus Safety Department prepares this report based on information maintained in its records, as well as information collected from the Haverford Police Department (HTPD), the Lower Merion Police Department (LMPD) and various individuals and departments at the College including: the Title IX Coordinator, Deputy Title IX Coordinators, the Dean's Office, the Center for Gender Resources and Sexual Education (GRASE), the Student Health Center and the Campus Security Authorities (CSAs). For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

All of the statistics are gathered, compiled, and reported to the college community in the Annual Security Report and Annual Fire Safety Report, which is published by the Campus Safety Department. The Campus Safety Department submits the annual crime statistics published in this report to the Department of Education (DOE). The statistical information gathered by the Department of Education is available to the public through the DOE website.

## **About Haverford College**

Haverford College is a community of more than 1,400 residents, located on 200 acres in a residential suburb of Philadelphia with a combined population of more than 50,000 residents. **Haverford College has no officially recognized student organizations with non-campus locations.** As part of that larger community, the College shares many of the same interests and problems, including concern about crime. Haverford has experienced minimal problems to date with crime on campus. Life on any college campus however, is subject to some of the same risks and problems as life elsewhere.

Many parents are concerned about the safety on a college campus away from home. Haverford College understands that concern and accepts its responsibility to employ security measures to ensure that our students enjoy their time at Haverford as free as possible from threats to their safety or well-being. Haverford College is dedicated to keeping the campus a secure and healthy place to live, work, and study. In recent years,

many positive steps have been taken to enhance safety, including initiating a Bicycle Patrol, improving lighting on campus, conducting a RAD (Rape Aggression Defense) training course, and increasing the number of CCTV cameras (there are a total of 45 CCTV cameras strategically located on campus), card access locations, and emergency telephones. Additional initiatives include the use of computer-aided Dispatch and a Records Management Systems. We also utilize an enhanced Emergency Notification System (including audible alert, e-mail, text and phone messaging). The Department of Campus Safety has a website (<https://www.haverford.edu/campus-safety>) as well as an emergency phone hotline (610-896-4299).

This document is designed to help assist you in maintaining a safe environment for you and your property. We want you to become familiar with the College community, to understand the security policies and procedures that help promote safety and respect for others on the Haverford College campus, and to take appropriate precautions to minimize risk.

## **The Campus Safety Department**

The department provides 24-hour, 7-days-a-week service and protection for the college community. The department is comprised of: one Executive Director, one Director of Operations, one Safety Coordinator (Assistant Director), one Associate Director for Investigations, one Captain, one Lieutenant, three Sergeants (full-time), two Corporals (full-time), ten Security Officers (full-time), eight part-time/on-call Security Officers, and a Security Systems Administrator.

All department personnel regularly attend mandatory in service training programs aimed at maintaining and updating their skills and knowledge of new laws and regulations. All members of the department receive training in First Aid, Cardiopulmonary Resuscitation (CPR), and use of Automated External Defibrillators (AEDs). Additionally, Campus Safety staff provides transportation to the health services or to the Bryn Mawr Hospital when Haverford's medical facilities are closed.

Haverford Campus Safety officers are non-sworn and are not authorized to make arrests. The Campus Safety Department's jurisdiction is limited to the property that is under the control of Haverford College. The Campus Safety Department maintains an excellent working relationship with the Haverford Township and Lower Merion Township Police Departments (although we do not have a written Memorandum of Understanding with either department).

The Campus Safety Department reports directly to the Senior Vice President for Finance and Administration, and works closely with the Dean's Office, Student Life, Residential Life, Health Services, Facilities, and Counseling and Psychological Services.

The Campus Safety Department makes every effort to prevent crime, provides highly visible security patrols, and responds quickly to the needs of individuals on campus and

of the college community as a whole. Crimes involving violence and major property loss are reported immediately by the department to the appropriate township or state agencies. Crime statistics are compiled according to Pennsylvania State Police requirements, using the FBI's Uniform Crime Reporting methods.

### **IMPORTANT TELEPHONE NUMBERS**

#### **Campus Safety Department**

(610) 896-1111

#### **Haverford Township Police**

(610) 853-2400

#### **Lower Merion Township Police**

(610) 642-4200

### **Reporting Crimes on Campus**

Students, faculty, staff, and guests are encouraged to report all crimes and campus safety related incidents to the Campus Safety Department in a timely manner. An officer will be dispatched immediately to each complaint and will evaluate the incident, take appropriate action, and notify the necessary authorities. There are 50 emergency telephones at various locations throughout the campus for this purpose. Each provides an instant link with the department, no dialing is required and the dispatcher knows immediately where the call is coming from. An officer is always dispatched, even if no words are spoken. Reports can also be made by calling 610-896-1111. Dispatchers are available at this number 24-hours a day to answer your call. A report will be taken even if the caller does not give their name and follow-up will be conducted.

Although we encourage the accurate and prompt reporting of all crimes directly to Campus Safety when the victim of a crime elects to or is unable to make such a report, in some instances members of the campus community may choose to file a report with one of the other Campus Security Authorities (CSAs). Reports can also be filed with the Haverford Police Department and/or the Lower Merion Police Department.

Allegations of campus crime that you are aware of and that you conclude were made in good faith must be reported to Campus Safety. "In good faith" means that there is a reasonable basis for reporting a suspected crime.

### **Campus Security Authorities – CSAs responsible for reporting criminal activity:**

- Campus Safety
- Deans

- Title IX Coordinator
- Deputy Title IX Coordinators
- GRASE – Director and Student Workers
- Director of Study Abroad
- Director of Health Services
- Director of Athletics
- Athletics - Coaches & Assistant Coaches
- Athletics - Head Trainer & Assistant Trainers
- Graduate Assistants
- Customs Personnel
- Upper-Class Advisors
- Honor Code Orienteers
- Ambassadors of Multicultural Awareness
- Peer Awareness Facilitators
- Quaker Bouncers

### **Confidential Reporting Options**

- Licensed/ordained religious advisors
- Counseling and Psychological Services (CAPS)

### **Voluntary, Confidential Reporting**

Haverford College does not have a formal policy or procedures for a victim or witness to report crimes on a voluntary, confidential basis.

### **Anonymous Reports**

An individual may make a report of Sexual Misconduct without disclosing one's name using the [Haverford Online Reporting Form](#).

Depending on the level of information available about the incident or the individuals involved, the College's ability to respond to an anonymous report may be limited. The College will, however, take whatever steps it deems appropriate and in the best interest of the overall College community, consistent with the information available. The College will never refuse to respond on the grounds that a report was made anonymously.

Information collected through the anonymous reporting line will be shared only with necessary College officials in order to respond to the reported concern. Information is kept confidential and no personally identifiable information is shared, except as necessary to follow this Policy, without the reporting party's consent.

## **Security of and Access to Campus Facilities**

Officers of the Campus Safety Department are responsible for locking and unlocking campus buildings according to the scheduled use of these buildings during the academic year, as well as for special events. The implementation of a card access system (and propped door alarms) has upgraded the monitoring capability and increased security. Employees' access to the institution's facilities is on an "as-needed" basis and incorporates strict card access programming and key control procedures. Visitors to the campus seeking access to Haverford's buildings and facilities for special events must do so through an individual host, the sponsoring department, Campus Safety, or the Scheduling and Events Office. Students are admitted to public events on campus by displaying their College identification cards.

There are 32 residence halls on campus. All resident areas are locked 24 hours a day and have access control. Buildings that contain classrooms, offices and dining centers are opened and locked in accordance with a schedule. Visitors to the campus can enter most academic buildings during normal business hours from 8 a.m. to 5 p.m. Monday through Friday.

Access to housing facilities is limited to those with authorization. Resident students have card-access to their residence halls and keys to their individual rooms. Guests of a resident must be accompanied by the resident. Campus Safety will investigate all unauthorized persons on campus.

Over extended breaks, the doors to residences and most academic space will be secured around the clock. Some facilities may have individual hours, which may vary at different times of the year. In these cases, the facilities will be secured according to schedules developed by the department responsible for the facility.

The staff of the Facilities Management Department maintains Haverford's buildings and grounds with an eye toward safety and security concerns. Standard operating procedures include the regular inspection of all outdoors lighting systems and prompt repairs to any faulty equipment or locks that could affect the safety of the College community. The Facilities staff is available, through an on call system, for emergencies that occur outside regular working hours.

The Campus Safety Department cooperates with the staff of Facilities Management by reporting potential safety hazards such as broken windows, defective locks, or burned out lights to Facilities personnel.

## **Crime Log**

The Haverford College Campus Safety Department maintains a daily crime log that contains specified information about any and all crimes that occur within the patrol jurisdiction of the Campus Safety Department and that are reported to Campus Safety.

The daily crime log can be viewed at the Campus Safety Department which is located on the ground floor of the Gardner Integrated Athletic Center (GIAC) at Haverford College.

Certain information may be withheld from the crime log under specified circumstances, primarily information that would jeopardize the success of an investigation or the safety of a person involved in the investigation. The Campus Safety Department makes the crime log for the most recent 60-day period open to public inspection during normal business hours, while crime logs containing material more than 60 days old are retained for seven years for public inspection upon two days' notice.

## **Missing Students**

If a member of the College community has reason to believe that a student residing in on campus housing is missing, contact Campus Safety immediately at 610-896-1111. Campus Safety will generate a missing person report and initiate an investigation.

After investigating the missing person report, should Campus Safety determine that the student is missing and has been missing for 24 hours (or sooner if circumstances warrant it), Haverford College will notify the Haverford Police Department and/or the Lower Merion Police Department. A Dean will notify the student's emergency contact no later than 24 hours after the student is determined to be missing.

If the missing student is under the age of 18 and not emancipated, a Dean will notify the student's custodial parent or guardian and the confidential contact person (if the student has identified one) immediately after Campus Safety has determined that the student has been missing for 24 hours.

In addition to registering an emergency contact, students have the option annually to register a confidential contact person to be notified if the student is determined to be missing for 24 hours. Only authorized campus officials and law enforcement officials in furtherance of a missing person investigation may have access to this information. To register a confidential contact person, visit the Student Center link in BIONIC (<https://vbm.brynmawr.edu>).

## **Sex Offender Registry and Access to Related Information**

The federal Campus Sex Crimes Prevention Act went into effect in October of 2002. The law requires institutions of higher education to issue a statement advising the campus community where state law enforcement agency information 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.

Pennsylvania's Megan's Law requires the State Police to establish and maintain a registry of individuals who have either been convicted of, entered a plea of guilty to, or were adjudicated delinquent of certain sex offenses. Additionally, the Pennsylvania State Police is required to make certain information on registered sex offenders available to the public through a website.

Information regarding registered sex offenders may be obtained from the following the following website: <http://www.pameganslaw.state.pa.us/>

## **Campus Emergency Notification System**

Emergency Procedures and Guidelines are outlined below and follow the Incident Command System model in the event of a critical incident on campus.

The Haverford College Emergency Notification System allows the College to contact the community in the event of an emergency by sending messages via:

- 1) Text message
- 2) Voice message (mobile or land-line)
- 3) E-mail
- 4) Audible siren and loudspeaker

When an emergency occurs that requires community attention or action, the emergency notification system will be activated and you will be notified by the methods noted above using the personal information you have provided. The emergency notification system will continue to try to reach you until you confirm receipt of the message.

It is imperative that contact information is accurate and up to date in order for you to receive emergency notifications. (It can be accessed and updated at: <https://www.haverford.edu/campus-safety/safety-information>)

It is Haverford College's policy to provide timely and accurate information to the community in the event of an incident that puts the community at continuing risk.

The emergency notification system will be tested once a semester. Additional testing may be conducted as part of drills and exercises, or as necessary.

## **Overview**

Haverford's approach to situations that have had a significant impact on an individual member or the entire campus community has succeeded over the years because of the dedication and conscientiousness of various members of the College community. However, our response to crises, while typically "Haverford", could previously be described as ad hoc and de-centralized.

Society's current climate, characterized by instantaneous communication and a litigious atmosphere, requires a quick and effective coordinated response to crises/emergencies on campus. In response, the Haverford Emergency Response Team (HERT) was developed. The formation of this response group emphasizes centralized crisis management, coordination with critical campus offices and services both at Haverford and Bryn Mawr Colleges, effective and timely communication with constituencies on and off campus, and the enhanced use of available technology to facilitate successful response to emergent situations.

### **Notification Process Scenario**

Although there is no one 'typical' response since there is much potential in the variety of types of incidents that the Haverford Emergency Response Team (HERT) will respond to, there is a general template of response to a critical incident. Some examples of the kinds of incidents/events include hostile intruders or other criminal acts, hazardous materials incidents and lab accidents, disasters such as fires, storms, and more slowly unfolding events such as prevention measures for potential disease outbreaks.

Initial notifications to the entire campus community (students, staff and faculty) will be made electronically via the Everbridge notification system (e-mail, text and phone calls) as well as the audible alert (siren and voiceover) without delay – initiated by the Dispatcher upon confirmation of an event. (Campus Safety as well as the Haverford and Lower Merion police departments would be responding to confirm the incident and mitigate the threat).

The initial message options are preset and will say either;

1. There is an Active Shooter on campus. Move to a safe place or seek shelter and await further updates...
2. There is a serious incident on campus. There is no immediate threat to safety, but await further updates...

Updates would be made as additional information becomes available by members of the HERT Command Team (Executive Director for Campus Safety, The Bi-College Director of Operations, the Safety Officer, the Captain, the Lieutenant, or the Security Systems Administrator). Notifications to the larger community – including parents – will be made through the Communications Office. Once the decision is made to involve other members of the response team, notification/communication could be facilitated using subgroups that already exist in our electronic notification system as well as the Zipbridge Conference Call capability – enabling us to push out a conference call to HERT Team members with one call.

Subgroups in the notification system would include the Haverford Emergency Response Team (including the HERT Command group, Michael Elias, Wendy Smith, Geoff Labe, Franklyn Cantor and Fern Hall), as well as the Group 1 and Group 2 notifications (listed below). In addition, the dispatching Campus Safety officer would have access to contact

information of other members of the community if it is determined that they need to be notified and/or respond. (The members of the Emergency Response Team have this contact information as well).

Determination of who might respond to the scene of an incident, to the hospital, to a police station, etc. would be made electronically (via conference call and text) and the other members of the team would typically proceed to one of the identified Emergency Operations Centers.

The members of the Haverford Emergency Response Team have been trained in ICS (Incident Command System) and the basics of this nationally standardized management approach will be employed. An Incident Commander will be the responder (not necessarily the HERT team member; police, fire, etc.) who takes control at the scene of an incident as it unfolds. While we recognize that Senior Staff is in charge of the campus and will be overseeing management of the impact of the incident on and off campus, the Incident Commander will be in charge of the incident scene itself.

In this way, a clear chain of command will be established, prompt and more efficient communication will take place, and integration of the necessary responders will be more efficient.

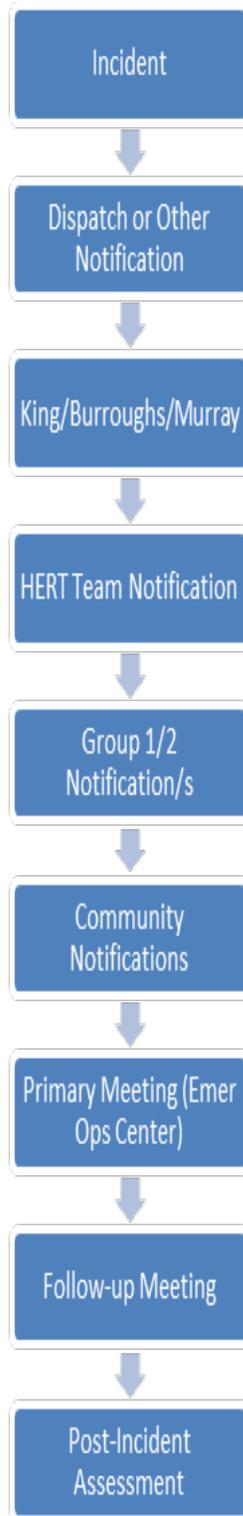
### **Response Example**

Haverford Campus Safety Dispatch receives several calls that there is an active shooting on campus. Police are notified immediately, and Campus Safety is alerted to respond. An emergency notification is sent to the campus community electronically via Everbridge – sending text, e-mail, and voicemail stating “**There is an Active Shooter on campus. Move to a safe place or seek shelter and await further information.**” Our audible alert system is activated – producing a loud siren. The HERT Command Team is notified and a conference call is generated simultaneously utilizing the Zipbridge conference call service. The first Command Team member to respond instructs the dispatcher to notify the entire HERT team electronically with an overview message.

Once the threat is neutralized, the Emergency Operations Center will be activated.

In this scenario, all members of Group 1 and many of the members of Group 2 would be made. Group 2 includes the President, the Assistant Vice President for Communications, the Dean of the College, the Senior Vice President for Finance and Chief Administrative Officer, the Director of Facilities Management, and the Director of Residential Life would be notified as well. Some of those above would be asked to meet in the EOC. Depending on information received from the scene, additional notifications (parents, for example) will be made and the website would be updated by Communications. **Update messages to the community would take place frequently.**

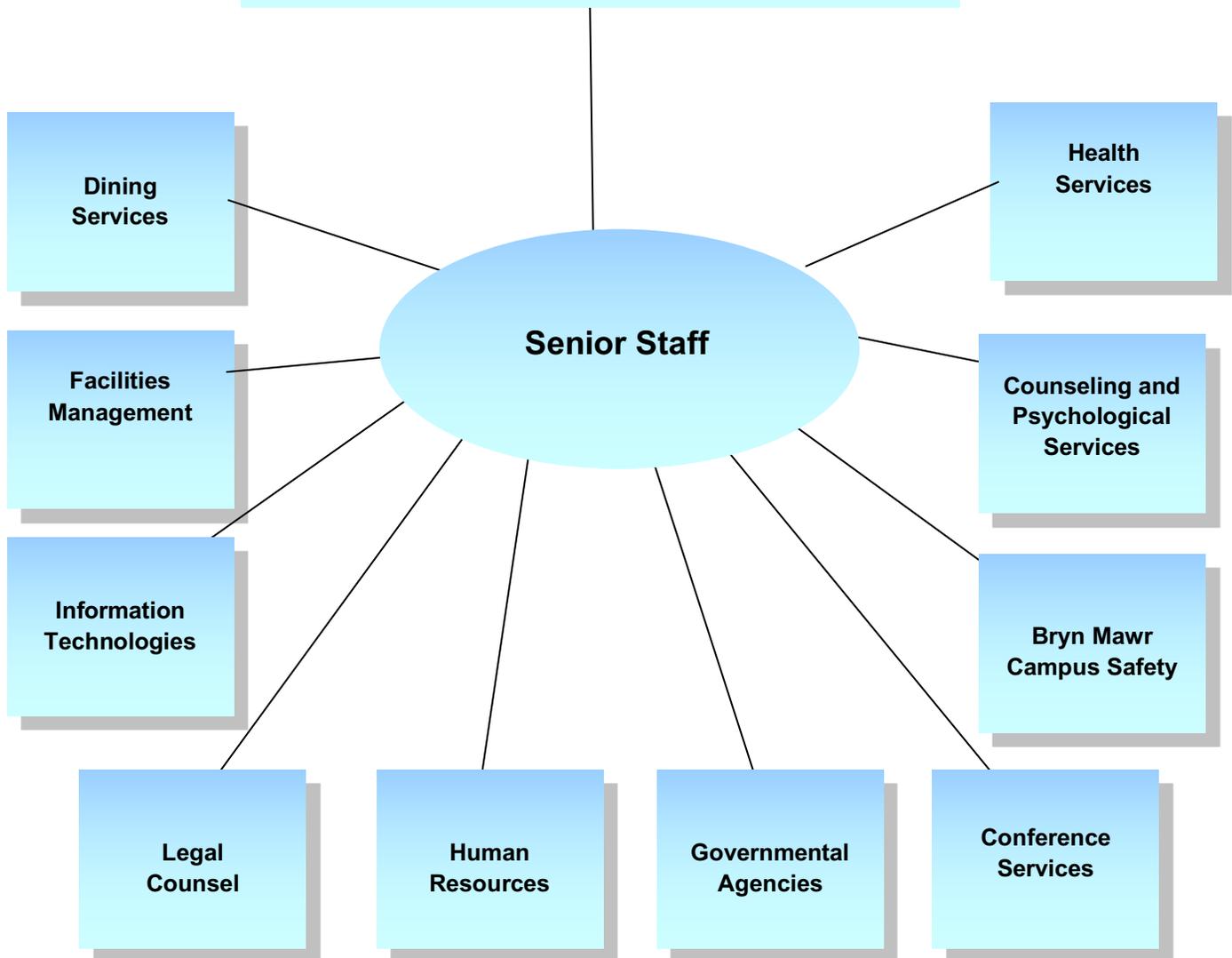
In addition to annual tabletops, the Emergency Notification System is tested once a semester for the entire community. The results of the tests are evaluated and analyzed.



# Emergency Response Team

Mike Elias  
Mark Sweeney  
Lil Burroughs

Fern Hall  
Wendy Smith  
Brian Murray  
John Castrege  
Franklyn Cantor  
Geoff Labe  
Kim Callahan



## **Timely Warnings**

The purpose of this policy is to outline procedures that Haverford 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 occurring on campus, on public property within or immediately adjacent to the campus, or in or on noncampus 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 Campus Safety or the Campus Security Authorities identified by Haverford College, or local police agencies that have concurrent jurisdiction have reported the information to the College. The Director of Campus Safety is ultimately responsible for determining whether to issue a Timely Warning Notice, although they will typically consult with the Director of Operations for Campus Safety, the Associate Director for Investigations for Campus Safety, the Dean of the College and the Dean of Student Life in making the decision. The Director of Campus Safety or the Director of Operations for Campus Safety will issue a Timely Warning Notice. If they are unavailable, the Timely Warning Notice may be issued by the Associate Director for Investigations for Campus Safety, the Dean of the College or the Dean of Student Life.

Whether to issue a Timely Warning Notice is determined on a case- by- case basis for Clery Act crimes and hate crimes as defined by the Clery Act (\*). The Director of Campus Safety or designees may also issue a Timely Warning Notice for other crimes, if 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 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 Campus Safety.

The Director of Campus Safety will make efforts to consult with Director of Operations for Campus Safety, the Associate Director for Investigations for Campus Safety, the Dean of the College and the Dean of Student Life in making the decision, if they are available, to develop the content of the Timely Warning Notice. Time permitting, additional input may be garnered from additional members of the Emergency Response Team, including the Senior Vice President for Finance and Administration and the Provost. The College’s Title IX Coordinator 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 Campus Safety for a minimum

of seven years. A copy of the documentation will be attached to 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 "timely warning" withholds the names of victims as confidential and will aid in the prevention of similar occurrences.

The College distributes Timely Warning Notices in various ways. Once the College determines that an alert will be issued, the Department of Campus Safety e-mails the announcement and may post it on its website <https://www.haverford.edu/campus-safety>, and may post alerts on bulletin boards throughout campus. The College may also send text messages disseminating the notice to those who register their cell phone numbers.

(\*) 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. The categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.

### **Definitions of Clery Act Crimes**

The Annual Security Report contains statistical accounting of various crimes that have been reported to the Department of Campus Safety. The following 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.

**Manslaughter by Negligence:** The killing of another person through gross negligence.

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

**Aggravated Assault:** An unlawful attack by one 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. Includes fires determined to have been willfully or maliciously set. Excludes 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:** The violation of 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.

The following crimes are included in the annual statistics if the incident is related to a hate crime category (\*):

**Simple Assault:** An unlawful physical attack by one person upon another where neither the offender displays a weapon, or 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.

**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. Excludes 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.

### **Federal Clery Act Definitions of Domestic Violence, Dating Violence, Sexual Assault and Stalking**

Haverford College prohibits the offenses of domestic violence, dating violence, sexual assault and stalking (as defined by the Clery Act) and reaffirms its commitment to maintaining a campus environment that emphasizes the dignity and worth of all members of the college community. Toward that end, Haverford College issues this statement of policy to inform the campus community of our programs to address domestic violence, dating violence, sexual assault and stalking as well as the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, which will be followed regardless of whether the incident occurs on or off campus when it is reported to a College official.

The Clery Act defines the crimes of domestic violence, dating violence, sexual assault and stalking as follows:

#### **Domestic Violence:**

- i. A. Felony or misdemeanor crime of violence committed—
  - A) By a current or former spouse or intimate partner of the victim;
  - B) By a person with whom the victim shares a child in common;
  - C) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
  - D) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or

- E) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- ii. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

- i. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- ii. For the purposes of this definition—
  - A) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
  - B) Dating violence does not include acts covered under the definition of domestic violence.
- iii. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**Sexual Assault:** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."

- **Rape** is defined as 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** is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
- **Incest** is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** is defined as sexual intercourse with a person who is under the statutory age of consent.

**Stalking:**

- i. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

- A) Fear for the person's safety or the safety of others; or
- B) Suffer substantial emotional distress.
- ii. For the purposes of this definition—
  - A) *Course of conduct* means two or more acts, including, but not limited to, acts 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.
  - B) *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
  - C) *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- iii. For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**Jurisdictional Definitions of Domestic Violence, Dating Violence, Sexual Assault and Stalking**  
**(Commonwealth Law)**

**Domestic Violence:** The Commonwealth of 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 Commonwealth of Pennsylvania does not provide a definition of dating violence.

**Sexual Assault:** The Commonwealth 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 Commonwealth 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 that renders the complainant incapable of consent.

**Involuntary Deviate Sexual Intercourse:** The Commonwealth 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 Commonwealth 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 Commonwealth 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 Commonwealth 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 Commonwealth 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 Commonwealth 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.

**Consent:** The Commonwealth of Pennsylvania does not provide a definition of consent; however, the College uses this definition of consent:

Consent to engage in sexual activity must be informed, knowing and voluntary; consent must exist from the beginning to end of each instance of sexual activity and for each form of sexual contact. Consent is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage freely in sexual activity. Consent is active, not passive.

## CRIME STATISTICS

OFFENSE	LOCATION	2017	2018	2019
<b>Murder/Non-Negligent Manslaughter</b>	On Campus	0	0	0
	Residential Facilities	0	0	0
	Non Campus	0	0	0
	Public Property	0	0	0
	<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Manslaughter by Negligence</b>	On Campus	0	0	0
	Residential Facilities	0	0	0
	Non Campus	0	0	0
	Public Property	0	0	0
	<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Sex Offenses, Total</b>	On Campus	13	8	10
	**Residential Facilities	11	8	8
	Non Campus	0	0	0
	Public Property	0	0	0
	<b>Total</b>	<b>13</b>	<b>8</b>	<b>10</b>
<b>Sex Offenses, Rape</b>	On Campus	8	4	5
	**Residential Facilities	6	4	5
	Non Campus	0	0	0
	Public Property	0	0	0
	<b>Total</b>	<b>*8</b>	<b>*4</b>	<b>*5</b>
<b>Sex Offenses, Incest</b>	On Campus	0	0	0
	**Residential Facilities	0	0	0
	Non Campus	0	0	0
	Public Property	0	0	0
	<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Sex Offenses, Fondling</b>	On Campus	5	4	5
	**Residential Facilities	5	4	3
	Non Campus	0	0	0
	Public Property	0	0	0
	<b>Total</b>	<b>*5</b>	<b>4</b>	<b>*5</b>
<b>Sex Offenses, Statutory Rape</b>	On Campus	0	0	0
	**Residential Facilities	0	0	0
	Non Campus	0	0	0
	Public Property	0	0	0
	<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Robbery</b>	On Campus	0	0	0
	**Residential Facilities	0	0	0
	Non Campus	0	0	0
	Public Property	0	0	0
	<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Aggravated Assault</b>	On Campus	0	1	0
	**Residential Facilities	0	1	0
	Non Campus	0	0	0
	Public Property	0	0	0
	<b>Total</b>	<b>0</b>	<b>1</b>	<b>0</b>

<b>OFFENSE</b>	<b>LOCATION</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
<b>Burglary</b>	On Campus	3	2	0
	**Residential Facilities	2	1	0
	Non Campus	0	0	0
	Public Property	0	0	0
	<b>Total</b>	<b>3</b>	<b>2</b>	<b>0</b>
<b>Motor Vehicle Theft</b>	On Campus	0	1	0
	**Residential Facilities	0	0	0
	Non Campus	0	0	0
	Public Property	0	0	0
	<b>Total</b>	<b>0</b>	<b>1</b>	<b>0</b>
<b>Arson</b>	On Campus	0	0	0
	**Residential Facilities	0	0	0
	Non Campus	0	0	0
	Public Property	0	0	0
	<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Liquor Law Arrests</b>	On Campus	26	18	10
	**Residential Facilities	17	14	6
	Non Campus	0	0	0
	Public Property	0	0	0
	<b>Total</b>	<b>26</b>	<b>18</b>	<b>10</b>
<b>Liquor Law Violations Referred for Disciplinary Action</b>	On Campus	13	10	7
	**Residential Facilities	7	7	6
	Non Campus	0	0	0
	Public Property	0	0	0
	<b>Total</b>	<b>13</b>	<b>10</b>	<b>7</b>
<b>Drug Law Arrest</b>	On Campus	1	0	0
	**Residential Facilities	1	0	0
	Non Campus	0	0	0
	Public Property	0	0	0
	<b>Total</b>	<b>1</b>	<b>0</b>	<b>0</b>
<b>Drug Law Violations Referred for Disciplinary Action</b>	On Campus	8	1	16
	**Residential Facilities	8	1	16
	Non Campus	0	0	0
	Public Property	0	0	0
	<b>Total</b>	<b>8</b>	<b>1</b>	<b>16</b>
<b>Illegal Weapons Possession Arrests</b>	On Campus	0	0	0
	**Residential Facilities	0	0	0
	Non Campus	0	0	0
	Public Property	0	0	0
	<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>

OFFENSE	LOCATION	2017	2018	2019
<b>Illegal Weapons Possession Referred for Disciplinary Action</b>	On Campus	0	0	0
	**Residential Facilities	0	0	0
	Non Campus	0	0	0
	Public Property	0	0	0
	<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Domestic Violence</b>	On Campus	0	0	0
	**Residential Facilities	0	0	0
	Non Campus	0	0	0
	Public Property	0	0	0
	<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Dating Violence</b>	On Campus	3	4	4
	**Residential Facilities	3	4	4
	Non Campus	0	0	0
	Public Property	0	0	0
	<b>Total</b>	<b>3</b>	<b>4</b>	<b>4</b>
<b>Stalking</b>	On Campus	0	0	2
	**Residential Facilities	0	0	1
	Non Campus	0	0	0
	Public Property	0	0	0
	<b>Total</b>	<b>0</b>	<b>0</b>	<b>2</b>

(\*) Crimes reported in the Residential Facilities column are included in the On-Campus Category

**\* Sexual Assault Caveat:**

1. One of the rapes reported in 2017 occurred in 2013.
2. Four of the rapes reported in 2017 occurred in 2016.
3. One of the fondling cases reported in 2017 occurred in 2016.
4. Two of the rapes reported in 2018 occurred in 2017.
5. Three of the rapes reported in 2019 occurred in 2017.
6. Two of the rapes reported in 2019 occurred in 2018.
7. One of the fondling cases reported in 2019 occurred in 2016.
8. One of the fondling cases reported in 2019 occurred in 2018.

**Hate Crimes:**

There were no incidents of bias crime in 2017, 2018 and 2019.

**Unfounded Crimes**

No reported crime may be considered unfounded unless a determination of such has been made by the Haverford or Lower Merion Township Police Departments.

There were no crimes or reported incidents that were unfounded by investigation in the above reporting years (2017, 2018, & 2019).

## **Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking Occurs**

Survivors/victims of sexual assault, domestic violence, dating violence and stalking are encouraged to seek medical attention as soon as possible. Medical evidence can only be collected at a hospital and is of crucial value if a survivor/ victim decides to prosecute in the criminal justice system or may be helpful in obtaining a protection order. If a survivor/victim chooses to have a forensic exam at a hospital, they should not shower, bathe, brush teeth, douche, smoke, or change clothes. Evidence should be collected as close to the assault as possible, usually within 24-72 hours, although forensic evidence can be collected up to 96 hours after an assault occurred. Survivors/victims should not clean the bed/linen area where they were assaulted and are also encouraged to preserve text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, they nevertheless should consider speaking with Campus Safety or other law enforcement to preserve evidence in the event that the victim decides to report the incident to law enforcement or the College at a later date to assist in proving that the alleged criminal offense occurred or that may be helpful in obtaining a protection order.

## **Rights of Victims of Domestic Violence, Dating Violence, Sexual Assault and Stalking and the College's Responsibilities for Protection From Abuse, No-Contact Orders, Restraining Orders or Similar Lawful Orders Issued by a Criminal, Civil, or Trial Court – or by the College**

Haverford College complies with the Pennsylvania Protection from Abuse Act, which is the law in Pennsylvania recognizing protection from abuse (PFA) cases. Delaware County and Montgomery County, where Haverford College is located is where you can obtain a PFA or to take your State protection from abuse order to add Haverford College, Haverford Township or Lower Merion Township to the order. Subsequently, by updating your existing protection from abuse or no contact order it can be shared with Campus Safety, the Title IX Coordinator and the Police Department. A complainant may then meet with Campus Safety to develop a Safety Action Plan, which is a plan for campus safety and the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, changing classroom location, etc. The College cannot apply for a legal PFA for a victim, but can issue a No-Contact Order. No-contact orders against members of the Haverford Community can be obtained through the Campus Safety Department, the Title IX Coordinator or the Dean of the College.

### **In Delaware County:**

To obtain information on filing for a PFA and, with few exceptions, free legal representation throughout the process, you can contact the Domestic Abuse Project at (610) 565-4590 or go their office before

10:30 AM Monday through Friday for same day Court appearance. After 10:30 AM, assistance will be provided for next day Court appearance. If you wish to file on your own (Pro Se) you may go to the Office of Judicial Support in the Media Courthouse or seek private legal counsel. If you qualify, Delaware County Legal Assistance provides free representation at hearing for permanent Orders.

Legal Aid of Southeastern Pa provides services at any point in the PFA process regardless of whether or not they are financially eligible for other services. The phone number is 610-422-7053 ext. 101.

Their services are not available for temporary Orders. Delaware County Legal Assistance Program can be contacted at (610) 874-8421.

To qualify for a protection from abuse order, there must be either a family relationship or an intimate relationship with the person you want to file for protection from.

### **In Montgomery County:**

You must appear in person any day Monday to Friday from 8:30 a.m. to 1:30 p.m. This allows you ample time to see the judge. To qualify for a protection from abuse order, there must be either a family relationship or an intimate relationship with the person you want to file for protection from. The Protection from Abuse Department is located on the first floor of the Montgomery County Courthouse.

Protection from Abuse department - 610-278-1191

Women's Center of Montgomery County - 610-279-1548

Women's Center of Montgomery County 24-hour Hotline - 1-800-773-2424

Montgomery County Emergency Operation Center - 610-275-1222

Laurel House 24/7 hotline - 800-642-3150

**For Help in Obtaining an After Hours Emergency PFA please contact the Domestic Violence Hotline at 1-800-773-2424**

### **Assistance for Victims: Rights and Options**

Regardless of whether a victim chooses to report the crime to campus safety or local law enforcement, or whether the offense is alleged to have occurred on or off campus, the College will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with an explanation of their rights and options. Such information will include:

- the procedures victims should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred;
- information about how the College will protect the confidentiality of victims and other necessary parties;
- a statement that the College will provide written notification to students and employees about victim services (counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid) within the institution and in the community;
- a statement regarding the College's provisions about options for, available assistance in, and how to request accommodations and protective measures (academic situations, living situations, transportation situations, working situations, protective measures); and

- an explanation of the procedures for the College's disciplinary action

All proceedings will include a prompt, fair, and impartial process from the initial investigation to the final result/outcome. The proceedings, better known as the Dean's Panel, will be conducted by officials who receive annual training on issues related to dating violence, domestic violence, sexual assault, and stalking and annual training on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

## How to Be an Active Bystander

Bystanders play a critical role in the prevention of sexual and relationship violence. They are "individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it."<sup>1</sup> We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list<sup>2</sup> of some ways to be an active bystander. Further information regarding bystander intervention may be found. If you or someone else is in immediate danger, dial 610-896-1111 for Campus Safety or dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

1. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
2. Confront people who seclude, hit on, and try to make out with, or have sex with people who are incapacitated.
3. Speak up when someone discusses plans to take sexual advantage of another person.
4. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
5. Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

## Risk Reduction

The following information will be helpful to all Haverford College students as they confront issues of sexual assault:

- It is never acceptable to use force in sexual situations, no matter what the circumstances.
- Sexual assault can happen between persons of any sexual orientation or gender identity.
- If a person says "no" to sexual contact, believe them and stop!
- Communicate your limits firmly and directly. Back up your words with a firm tone of voice and clear body language.
- Don't make any assumptions about a person's behavior.

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<sup>1</sup> Burn, S.M. (2009). A situational model of sexual assault prevention through bystander intervention. *Sex Roles, 60*, 779-792.

<sup>2</sup> Bystander intervention strategies adapted from Stanford University's Office of Sexual Assault & Relationship Abuse

- Don't automatically assume that someone wants to have sex just because they drink heavily, dress in a certain way, or agree to go back to your room.
- Don't assume that because a person has had sexual contact with you previously that they are willing to or will consent to having sex with you again.
- Everyone should be especially careful in situations involving the use of alcohol and other drugs. Alcohol and other drugs can interfere with one's ability to assess situations and to communicate effectively.
- All students should beware that having sexual contact with someone who is mentally incapable of giving consent is sexual assault. If you have sex with a person who is drugged, intoxicated, "sleeping" or passed out, incapable of saying "yes" or "no" or unaware what is happening to them, then you may have committed a sexual assault.
- Please be especially careful in group situations. Be prepared to resist pressure from friends to participate in violent or criminal activities.
- Please get involved if you believe that someone else may be at risk for assault. If you see a person "in trouble" at a party or another person using force or coercion do not be afraid to ask questions and or intervene. You may save someone from the trauma of sexual assault and or from the ordeal of criminal prosecution.
- If you feel uncomfortable or think you may be at risk, leave the situation immediately and go to a safe place.
- Don't be afraid to "make waves" if you feel threatened. If you feel you are being pressured or coerced into sexual activity against your will, don't hesitate to state your feelings in order to get out of the situation. Better a few minutes of social awkwardness and embarrassment than the trauma of sexual assault.
- Voluntary consent cannot be given if a person is incapacitated, including incapacitated by alcohol. (Alcohol is a factor in a very high percentage of sexual assaults)

## **Prevention and Recovery**

### **Prevention**

The following information will be helpful to all Haverford College students as they confront issues of sexual assault:

- It is never acceptable to use force in sexual situations, no matter what the circumstances.
- Sexual assault can happen between persons of any sexual orientation or gender identity.
- If a person says "no" to sexual contact, believe them and stop!
- Communicate your limits firmly and directly. Back up your words with a firm tone of voice and clear body language.
- Don't make any assumptions about a person's behavior.
- Don't automatically assume that someone wants to have sex just because they drink heavily, dress in a certain way, or agree to go back to your room.
- Don't assume that because a person has had sexual contact with you previously that they are willing to or will consent to having sex with you again.

- Everyone should be especially careful in situations involving the use of alcohol and other drugs. Alcohol and other drugs can interfere with one's ability to assess situations and to communicate effectively.
- All students should beware that having sexual contact with someone who is mentally incapable of giving consent is sexual assault. If you have sex with a person who is drugged, intoxicated, "sleeping" or passed out, incapable of saying "yes" or "no" or unaware what is happening to them, then you may have committed a sexual assault.
- Please be especially careful in group situations. Be prepared to resist pressure from friends to participate in violent or criminal activities.
- Please get involved if you believe that someone else may be at risk for assault. If you see a person "in trouble" at a party or another person using force or coercion do not be afraid to ask questions and or intervene. You may save someone from the trauma of sexual assault and or from the ordeal of criminal prosecution.
- If you feel uncomfortable or think you may be at risk, leave the situation immediately and go to a safe place.
- Don't be afraid to "make waves" if you feel threatened. If you feel you are being pressured or coerced into sexual activity against your will, don't hesitate to state your feelings in order to get out of the situation. Better a few minutes of social awkwardness and embarrassment than the trauma of sexual assault.
- Voluntary consent cannot be given if a person is incapacitated, including incapacitated by alcohol. (Alcohol is a factor in a very high percentage of sexual assaults)

### **Recovery / Coping with long-term effects**

Sometimes months or even years after an assault, survivors re-experience feelings they had immediately following the attack. Talking to someone—be it a friend, clergy, crisis hotline or counselor can be a helpful way to work through fears and feelings. Whether you (or a friend) were sexually assaulted recently or sometime in the past, you do not have to deal with these feelings alone. There are many resources on campus and in the surrounding community that can help you get your life back on track and begin the healing process.

### **Survivor's Bill of Rights**

If you experience sexual misconduct, you have basic rights and considerations (including but not limited to):

- Have any allegations of sexual misconduct taken seriously – free from any suggestion that survivors are responsible for the misconduct.
- Be treated with respect and dignity, regardless of gender, gender identity, race, age, income level, physical abilities, cognitive abilities, or sexual, medical and mental health history.
- Have timely access to emergency and crisis counseling services.
- Be accompanied by an advocate while receiving victim services.
- Be informed of legal rights and available resources.
- Be informed of safety planning and protection services.
- Be informed of appropriate follow-up treatment, medical testing and counseling.

- Be notified of options for and assistance with changing academic and/or living situations if so requested and if such changes are reasonably available.
- Have the College conduct a prompt and thorough investigation of the complaint, preserving the privacy of the victim to the extent possible within the requirements of Title IX and the integrity of the investigation.
- Be able to give testimony in a campus hearing by means other than being in the same room with the accused.
- Have a support person present during campus judicial proceedings.
- Be informed of the outcome of the campus judicial proceeding.

### **Programs to Prevent Domestic Violence, Dating Violence, Sexual Assault and Stalking**

Haverford College engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking that:

- A. Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs and informed by research, or assessed for value, effectiveness, or outcome; and
- B. Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

### **Primary and Ongoing Prevention and Awareness Programs**

The prevention education programs include annual training on campus policies, definitions of sexual assault, domestic violence, dating violence, stalking, bystander intervention, risk reduction strategies, and information on consent and healthy relationships.

**Employees** are required to complete on-line courses offered by Workplace Answers. The courses are interactive and contain many challenging and interesting real-life workplace situations. The three courses employees are required to complete are:

- **Preventing Discrimination and Sexual Violence: Title IX, VAWA and Clery Act for Faculty and Staff**
- **Discrimination and Harassment for Higher Education**
- **Child Abuse and Molestation Awareness and Prevention in Pennsylvania.**

Required annual training for the **athletic coaches** includes:

- Title IX
- Reporting obligations
- Haverford's Sexual Misconduct Policy
- Resources for survivors and those impacted by sexual assault
- Consideration around the implementation of interim measures

- Haverford's Dean's Panel Protocols, including standard of evidence in determining responsibility and possible sanctions.
- Interim measures
- Considerations in the finding of responsibility and the determining of sanctions.
- Review of Haverford's 2017 HEDS sexual climate survey results, including results that demonstrate a significant role of alcohol in incidents of sexual assault on campus.
- Updates on the federal regulatory landscape.
- Prevention strategies including bystander intervention, healthy team culture, and building allies among men.

In fulfillment of **NCAA Sexual Violence Prevention Training** all assistant coaches and athletics volunteers are required to complete a **45-minute online-course** titled:

**"Mosaic: Prevent Sexual Violence Together"** which covers the following:

- How to recognize and respond to sexual misconduct involving students
- Sexual assault, stalking, and intimate partner violence
- The effects of sexual misconduct on campus communities

Prior to the start of school, **first year students** are required to take a 45-minute **online** course titled:

**"Impressions" which covers the following:**

- Definitions of sexual harassment, sexual assault, dating violence, domestic violence, and stalking
- The "culture of care" at higher education institutions
- Prevention, including bystander intervention techniques
- How to report and where to go for support
- The meaning of consent

Prior to the start of school, **first-year students** are also required to attend training on the following topics:

- Title IX
- How to report
- Haverford's Sexual Misconduct Policy
- Resources for survivors and those impacted by sexual assault
- Haverford's Dean's Panel Protocols, including standard of evidence in determining responsibility and possible sanctions.
- Interim Measures
- Considerations around the implementation of interim measures
- Considerations in the finding of responsibility and the determining of sanctions.
- Prevention strategies including bystander intervention.

Prior to the start of school, **student leaders** are required to attend training which includes:

- Title IX
- Reporting obligations
- Haverford's Sexual Misconduct Policy
- Resources for survivors and those impacted by sexual assault
- Haverford's Dean's Panel Protocols, including standard of evidence in determining responsibility and possible sanctions.
- Interim measures
- Considerations around the implementation of interim measures
- Considerations in the finding of responsibility and the determining of sanctions.
- Updates on the federal regulatory landscape.
- Prevention strategies including bystander intervention.

**“Step Up”** is a Bystander Awareness and Intervention Training Program that is offered through the Athletic Department in the second quarter every year. The program provides detailed experiences on how to approach an intervention as a bystander along with training in specific scenarios that are seen on College campuses.

In fulfillment of **NCAA Sexual Violence Prevention Training**, all varsity athletes are also required to complete the online **“Impressions”** course.

In April, during **Sexual Assault Awareness Month** there are several awareness programs that consist of written materials being distributed to provide tips to prevent sexual misconduct and how to be an active bystander. Also there is “tabling” in the Dining Center and posters are placed around campus regarding sexual misconduct and bystander intervention. The students can also participate in the **“Clothesline Project”** which is a month- long project to raise awareness of the experiences of survivors and supporters. **“Stepping Stones”** is a month long project to place stones by one of the trees on campus in honor of the survivors. **“Speak out”** is a safe place to share and reflect and speak about experiences of sexual assault and relationship violence. **“Take Back the Night”** is the closing event for the month and is dedicated to creating and maintaining a community in support of those who have experienced assault.

**Health Services** provides individualized sexual health counseling, discusses risk reduction and counsels on harm reduction during student appointments.

**Campus Security Authorities (CSAs)** are trained annually through videos and PowerPoint presentations.

## **Crime Prevention and Safety Awareness Programs**

### **Customs Training**

Haverford College provides leadership positions for over 200 students within the first-year

orientation program. These positions include: Customs Person, Upper-Class Advisor, Honor Code Orienteer, Ambassador of Multicultural Awareness, and Peer Awareness Facilitator. Students serving in these roles collectively are known as the Customs Team. All Customs Team members are required to attend a number of training sessions before their leadership positions begin and throughout the academic year. These trainings provide information on health and safety, including information regarding use of drugs and alcohol. It is required that all Customs Team members have a basic knowledge of and be able to refer other students to an appropriate resource for a number of issues, including substance use. Peer Awareness Facilitators are trained to lead discussions over the course of the year with first-years, covering a wide range of topics including drugs and alcohol.

### **New Student Orientation (Customs Week)**

All new students are required to participate in a week-long orientation program at the beginning of the fall semester that offers programs and activities that provide information, education, and assistance in assimilation to college life. Sessions include information on drug and alcohol abuse prevention and personal safety.

### **Target Trainings and Outreach:**

#### **Substance Use Safety**

A panel presentation to first year students focusing on alcohol and drug safety, resources for assistance, information regarding PA laws and how and when to respond to an unsafe situation.

#### **Student Health Fair**

Alcohol and drug information table. Information regarding the effects of alcohol and other substances and resources available to students.

#### **First Year Resource Fair**

Information regarding the effects of alcohol and other substances and resources available to students.

#### **Rape Aggression Defense (RAD)**

The Rape Aggression Defense (RAD) System is a program of realistic, self-defense tactics and techniques. The RAD System is a comprehensive course for women that begins with awareness, prevention, risk reduction and avoidance, and progresses to the basics of hands-on defense training. RAD is not a martial arts program. Courses are taught by certified RAD instructors and participants are provided with a workbook/reference manual. This manual outlines the entire physical defense program for reference and continuous personal growth. The RAD system of physical defense is currently being taught at many colleges and universities across the nation. The growing, widespread acceptance of this system is primarily due to the ease, simplicity and effectiveness of the tactics, solid research, legal defensibility and unique teaching methodology. The system of realistic defense is intended to provide a woman with the knowledge to make an educated decision about resistance.

#### **Escort Services**

Student employees working out of the Campus run the lockout/escort service

Hours are:

Sun-Mon 7pm to 1am

Tues-Thurs 7pm to 2am  
Fri-Sat 7pm to 3am

Students respond either on foot or in a golf cart to admit locked out students and provide escorts to students across campus. They are in radio contact with the Campus Safety dispatcher. Campus Safety officers provide this service when requests are made outside of the student escort hours.

**Campus Safety Advisory Committee** (comprised of students, staff and faculty) meets several times a semester to discuss issues and topics relating to safety and security.

**Safety updates and overviews are presented at an 'All Staff Meeting' and at a Faculty Meeting at least once a school year.**

### **Student Organizations**

The **Queer Discussion Group (QDG)** is a safe and confidential meeting space for LGBTQ or questioning students at Haverford. The time and place of QDG meetings are not publicly posted; please email the co-heads at [haverfordqdg@gmail.com](mailto:haverfordqdg@gmail.com) to learn more.

**One Love** is an organization committed to creating student and community awareness on domestic violence and the difference between healthy and unhealthy relationships. Programming includes facilitating forums that discuss dating violence, substance abuse and healthy relationships.

**Queer and / or Trans People of Color (QTPOC)** is a group that endeavors to create solidarity and support between queer and trans people of color on Haverford's campus.

### **Crime Prevention Tips**

Students are reminded that safety is a shared responsibility. The College encourages all members of the campus community to use common sense and caution to protect themselves and their property. To increase awareness, a weekly Security Summary is posted to keep the community apprised of noteworthy incidents occurring on or near campus. Students are reminded that the Campus Safety Department works to keep our campus safe, but needs their help in order to reduce thefts and other crime in order to keep others from becoming victims.

### **Remember:**

- Do not prop doors
- Lock your windows and doors
- Draw curtains and shades at night
- Keep valuables hidden or out of sight
- Trust your instincts and call Campus Safety when you are concerned about suspicious behavior.

## **Title IX**

Title IX of the Educational Amendments of 1972 prohibits any person in the United States from being discriminated against on the basis of sex in seeking access to any educational program or activity receiving federal financial assistance. The U.S. Department of Education, which enforces Title IX, has long defined the meaning of Title IX's prohibition on sex discrimination broadly to include various forms of sexual harassment and sexual violence that interfere with a student's ability to equally access educational programs and opportunities.

## **U.S. Department of Education Final Rule under Title IX**

On May 19, 2020, the U.S. Department of Education issued a Final Rule under Title IX of the Education Amendments of 1972 that:

- Defines the meaning of "sexual harassment" (including forms of sex-based violence),
- Addresses how an institution must respond to reports of misconduct falling within that definition of sexual harassment, and
- Mandates a grievance process that an institution must follow to comply with the law in these specific covered cases before issuing a disciplinary sanction against a person accused of sexual harassment.

See, 85 Fed. Reg. 30026 (May 19, 2020). The full text of the Final Rule and its extensive Preamble are available here: <http://bit.ly/TitleIXReg>

Haverford College ("the College") remains committed to addressing any violations of its policies, even those not meeting the narrow standards defined under the new Title IX Final Rule, and retains authority to investigate and adjudicate allegations under the policies and procedures defined within this the Haverford College Sexual Misconduct Policy.

## **Bi-College Policy Development**

Bryn Mawr and Haverford Colleges ("the Colleges") have a long-standing collaborative relationship which offers students comprehensive access to academics, student organizations, residence hall and dining facilities and social activities on both campuses. A free "Blue Bus" shuttle service makes regular stops at each campus every 30 minutes, providing easy and frequent access to all community members. Some academic programs and departments are provided only on one campus or structured to share resources between the two institutions. In 2016, the Colleges codified the Bi-College ("Bi-Co") relationship with a [Memorandum of Understanding](#) to provide a formalized framework for ongoing collaboration. Due to the complexity of the Title IX requirements, specific language in the Final Rule, and the sometimes overlapping nature of the Colleges' Education Program and Activities, Bryn Mawr and Haverford Colleges will implement Sexual Misconduct Policies which are substantially the same, effective August 14, 2020. The Colleges will jointly administer the procedures set forth in the Resolution Process of these Policies, as mutually agreed by the Colleges, if a Complainant is a student or employee of one College and the Respondent is a student or employee of the other College, if the Complainant is a student or employee of one College and the location of the alleged Sexual Misconduct is the other College, or if other facts and circumstances set forth in a Formal Complaint or in the investigation of such Formal Complaint suggest the need for joint administration of the Resolution

Process.

## Sexual Misconduct Policy

Haverford College is committed to ensuring that all members of the College community have a learning and working environment that is free from sexual misconduct. For purposes of this policy, the College defines **Sexual Misconduct** as acts described in one or both of the following broad categories:

1. **“Title IX Sexual Harassment,”** in accordance with the U.S. Department of Education Final Rule, includes any conduct on the basis of sex that is alleged to have occurred in a College Education Program or Activity, and is alleged to have been perpetrated against a person in the United States. The conduct alleged, if true, must satisfy one or more of the following conditions:
  - a. A College employee conditions the provision of an aid, benefit, or service on an individual’s participation in unwelcome sexual conduct;
  - b. Unwelcome conduct a reasonable person would determine to be so severe, pervasive, and objectively offensive such that it effectively denies a person equal access to the College’s Programs or Activities;
  - c. **Sexual Assault**, as defined in 20 U.S.C. § 1092(f)(6)(A)(v), meaning any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent (such as incapacitation, age, family relation to the other party, or intellectual or other disability). Sexual Assault can be committed by or against individuals of any sex or gender and can occur between individuals of the same sex/gender or different sexes/genders. As required by the Title IX Final Rule, the College will rely on the following definitions of Sexual Assault:
    - i. sexual intercourse with another person, including oral or anal sexual intercourse, or the use of any body part or an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
    - ii. 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 their age or because of their temporary or permanent mental or physical incapacity;
    - iii. sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; or
    - iv. sexual intercourse with a person who is under the statutory age of consent.

- d. **Dating Violence**, as defined in 34 U.S.C. § 12291(a)(1)), meaning any act of violence committed by 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 is determined based on a consideration of the length, type, and frequency of interactions between the persons involved in the relationship.
  - e. **Domestic Violence**, as defined in 34 U.S.C. § 12291(a)(8), meaning a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, 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.
  - f. **Stalking**, as defined in 34 U.S.C. 12291(a)(30), meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.
2. **“Other Gender-Based Misconduct,”** defined as acts which do not meet the narrow definition of “Title IX Sexual Harassment,” as defined above, but nevertheless could constitute discrimination on the basis of sex. Other Gender-Based Misconduct, which is alleged to have occurred by or against any member of the College community, regardless of the location of the alleged action, includes:
- a. Sexual Assault, Dating Violence, Domestic Violence and Stalking as defined in 1c, d, e and f (above).
  - b. Unwelcome conduct of a sexual nature, including but not limited to unwelcome sexual advances, requests for sexual favors, or other verbal or nonverbal conduct of a sexual nature that 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.
  - c. Sexual exploitation, defined as occurring when a person abuses or exploits another person’s sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other non-legitimate purpose without that person’s consent. 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:

- o observing another individual’s nudity or sexual activity or allowing another to observe consensual sexual activity in a place where that person would have a reasonable expectation of privacy, without that person’s consent;

- recording, and/or distributing (including streaming) of images, photography, video, or audio recording of sexual activity or nudity, or distribution of such without that person's consent;
- prostituting another individual;
- exposing one'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.

## **General Rules of Application**

The above-referenced acts are considered sexual discrimination. Title IX of the Educational Amendments of 1972, 20 U.S.C. §§1681-1688 ("Title IX"), prohibits discrimination on the basis of sex in Education Programs and Activities operated by recipients of federal financial assistance, including Haverford College. This Policy is intended to meet the College's obligations under Title IX; the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act"), as amended by the Violence Against Women Reauthorization Act of 2013 ("VAWA"), with respect to its application to sex-based misconduct; and other applicable law and regulations.

Consistent with Title IX requirements, Haverford College does not discriminate on the basis of sex in its Education Programs or Activities (including in admissions and employment). College community members have the right to be free from all forms of sexual harassment and violence. All College community members are expected to conduct themselves in a manner that does not infringe upon the rights of others. The College has zero tolerance for sexual misconduct, and this Policy applies to all employees and students. Non-members of the campus community who engage in discriminatory actions within College programs or on College property are not under the jurisdiction of this policy, but can be subject to actions that limit their access and/or involvement with College programs as the result of their misconduct.

Reports of Sexual Misconduct committed by any student or employee (including faculty and staff) of the Haverford community will be resolved according to the procedures outlined in this Policy, unless otherwise noted.

## **Effective Date**

This **Sexual Misconduct Policy** is effective on August 14, 2020 and will apply to Formal Complaints of Sexual Misconduct brought on or after August 14, 2020. Formal Complaints brought prior to August 14, 2020 will be investigated and adjudicated according to previous College policies.

## **Non-Discrimination in Application**

The requirements and protections of this Policy apply equally regardless of sex, sexual orientation, gender identity, gender expression, or other protected classes covered by federal or state law. All requirements and protections are equitably provided to individuals regardless of such status or status as a Complainant, Respondent, or Witness. Individuals who wish to file a complaint about this Policy or processes set forth herein may contact the Department of Education's Office for Civil Rights using contact information available at <https://ocrcas.ed.gov/contact-ocr>.

## **Disability Accommodations**

This Policy does not alter any College obligations under federal disability laws including the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973. Parties may request reasonable accommodations, that do not fundamentally alter the Resolution Process, for disclosed disabilities to the Title IX Coordinator at any point before or during the Process. The Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the Parties, even where the Parties may be receiving accommodations in other College programs and activities.

### **Alcohol and Drug Use Amnesty**

The health and safety of every student is of utmost importance. The College recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time Sexual Misconduct occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The College strongly encourages students to report incidents of Sexual Misconduct. An individual who experiences Sexual Misconduct, or a Witness to such Sexual Misconduct, acting in good faith, who discloses any incident of Sexual Misconduct to College officials or law enforcement will not be sanctioned under College codes of conduct for violations of alcohol and/or drug use policies occurring at or near the time of the incident(s) of Sexual Misconduct. The College may request that the individual attend an approved alcohol or drug education program, without assessing any charges for such program. This amnesty provision also applies to student groups making a report of Sexual Misconduct. Amnesty does not preclude or prevent action by police or other legal authorities pursuant to relevant state or federal criminal statutes.

### ***Policy Definitions***

#### **Advisor**

An Advisor is any individual who has been chosen by a Party or designated by the College to provide support and guidance during the resolution process. The specific role of the Advisor is explained under the [Resolution Process](#) section of the Policy.

#### **Complainant**

A Complainant is any individual who has reported being or is alleged to be the victim of conduct that could constitute Sexual Misconduct as defined under this Policy.

#### **Confidential Resource**

A Confidential Resource is a College employee who is not required to report notice of sexual harassment to the Title IX Coordinator. References made to *confidentiality* refer to the ability of identified confidential resources to not report crimes and violations to law enforcement or College officials without permission, except for extreme circumstances, such as a health and/or safety emergency or child abuse. Lists of Confidential Resources are available on the [Haverford College](#) webpage.

#### **Consent**

Consent to engage in sexual activity must be informed, knowing and voluntary; consent must exist from the beginning to end of each instance of sexual activity and for each form of sexual contact. Consent is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness

to engage freely in sexual activity. Consent is active, not passive.

### **Guidance for Consent:**

- Prior to initiating a sexual encounter, one is expected to obtain consent to each act of sexual activity prior to initiating such activity. Consent to one form of sexual activity does not constitute consent to engage in all forms of 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.
- 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 may not be inferred from silence, passivity, lack of resistance, or lack of an active response alone. A person who does not physically resist or orally refuse sexual activity is not necessarily giving consent.
- When consent is requested orally, absence of any explicit oral response constitutes lack of consent. An oral “no” constitutes lack of consent, even if it sounds insincere or indecisive.
- If at any time during the sexual activity, any confusion or ambiguity arises as to the willingness of the other individual to proceed, both parties should stop and clarify orally the other’s willingness to continue before continuing such activity.
- Individuals with a previous or current intimate relationship do not automatically give either initial or continued consent to sexual activity. Even in the context of a relationship, there must be mutually understandable communication that clearly indicates a willingness to engage in each sexual activity.
- Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another person.
- 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 to choose whether or not to have sexual contact.
- An individual who is physically incapacitated from alcohol or other drug consumption (voluntarily or involuntarily) or is asleep, unconscious, unaware, or otherwise physically helpless is considered unable to give consent.
- 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 less than four (4) years older than the minor.

### **Education Program or Activity** includes:

- Any Haverford College on-campus premises
- Any off-campus premises over which the College has substantial control over the Respondent and the context in which the Sexual Misconduct occurred. This includes buildings or property owned or controlled by a recognized student organization.
- Any activity occurring within computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of College programs and activities over which the College has substantial control.

### **Formal Complaint**

A Formal Complaint is a document – including an electronic submission—filed by a Complainant with a signature or other indication that the Complainant is the person filing the Formal Complaint, or a document signed by the Title IX Coordinator, alleging Sexual Misconduct against a Respondent within

the College's Education Program or Activity and requesting initiation of the College's Resolution procedures consistent with this Sexual Misconduct Policy to investigate the allegation of Sexual Misconduct.

### **Hearing Panel**

The Hearing Panel is the group of individuals appointed by the College with authority to determine responsibility and sanctioning (if applicable) for violation of this Sexual Misconduct Policy.

### **Investigator**

The Investigator is the individual or individuals appointed by the College to gather evidence and facts related to the allegation of Sexual Misconduct. The Investigator(s) will provide an investigative report summarizing all relevant evidence for review by both the Complainant and Respondent.

### **Privacy**

References made to privacy mean the actions of College employees, who cannot guarantee confidentiality, to maintain privacy to the greatest extent possible. Information disclosed will be relayed only as necessary to investigate and/or seek a resolution and to notify the Title IX Coordinator or designee, who is responsible for tracking patterns and spotting systemic issues. The College will limit disclosure as much as practicable, even if the Title IX Coordinator determines that a request for confidentiality cannot be honored.

The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act (FERPA), as outlined in the [Haverford College FERPA](#) policy. Employee privacy will be protected in accordance with [Haverford College Employee Handbook](#).

### **Resolution Process**

The Resolution Process is a formal resolution process to address reported conduct that may be a violation of this Sexual Misconduct Policy.

### **Respondent**

A Respondent is any individual who has been reported to be the perpetrator of conduct that could constitute Sexual Misconduct as defined under this Policy.

### **Reporting Sexual Misconduct to the College**

Any person may report Sexual Misconduct in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's oral or written report.

Such a report may be made at any time (including during non-business hours) via the [Haverford Online Reporting Form](#), or by mail to the office address listed for the Title IX Coordinator. The Online Reporting Form will provide a link to this Policy, as well as encourage individuals to review this Policy for more information about procedures and resources.

Individuals who report Sexual Misconduct in Pennsylvania will also be informed of their rights as a victim of crime under Pennsylvania law.

Once an individual provides a report of Sexual Misconduct, the report will be reviewed by the Title IX Coordinator. At this stage, only the Title IX Coordinator will have access to the report, and they will share the information on a limited basis as required to take the appropriate next steps. Using the information gathered through the Online Reporting Form, the College will promptly contact the Complainant to discuss appropriate Supportive Measures and to explain the process for filing a Formal Complaint and that Supportive Measures are available with or without the filing of a Formal Complaint. Complainants are not required to respond to outreach from the College and the College will respect this decision, with limited exceptions where it is obligated by law or to act in the safety interest of the community.

Only individuals authorized by the College may enter, update, access, share, or disseminate the electronic data collected, created, or maintained from the Online Reporting Form.

### **Anonymous Reports**

An individual may make a report of Sexual Misconduct to the Title IX Coordinator, and if preferred, may do so without disclosing one's name using the online reporting form listed above and here:

[Haverford Online Reporting Form](#)

Depending on the level of information available about the incident or the individuals involved, the College's ability to respond to an anonymous report may be limited. The College will, however, take whatever steps it deems appropriate and in the best interest of the overall College community, consistent with the information available. The College will never refuse to respond on the grounds that a report was made anonymously.

Information collected through the anonymous reporting line will be shared only with necessary College officials in order to respond to the reported concern. Information is kept confidential and no personally identifiable information is shared, except as necessary to follow this Policy, without the reporting party's consent.

### **Title IX Coordinator**

The Title IX Coordinator provides supervision and management of the College's efforts to address and resolve incidents of sexual and gender-based discrimination. The Bi-College Title IX Coordinator is:

**Kimberly F. Taylor**

Bi-Co Title IX Coordinator

[Haverford](#) & [Bryn Mawr](#) Colleges

[ktaylor4@haverford.edu](mailto:ktaylor4@haverford.edu)

**Haverford College**

Office location: Founders 027; Phone: 610-896-1234

At Haverford College, the Title IX Coordinator has reporting responsibilities to:

**Joyce Bylander**

Interim Dean of the College

Haverford College

[jbylander@haverford.edu](mailto:jbylander@haverford.edu)

### **Support and Resources**

## **Supportive Measures**

Supportive Measures are non-disciplinary, non-punitive, and individualized services that the College offers and may put in place, without fee or charge, after receiving notice of possible violations of this Policy. Supportive Measures are designed to restore or preserve access to the College's Education Program and Activity, protect the safety of all Parties and the College's educational environment, and/or deter Sexual Misconduct, while not being punitive in nature or unreasonably burdening any Party.

Both Complainants and Respondents have the right to receive Supportive Measures from the College regardless of whether a Formal Complaint has been filed. The Title IX Coordinator will contact a Complainant after receiving notice of possible violation of this Policy (1) to discuss the availability of Supportive Measures and (2) to explain that Supportive Measures are available with or without the filing of a Formal Complaint of Title IX Sexual Harassment. The Title IX Coordinator will consider the Complainant's wishes with respect to implementation of Supportive Measures.

To determine the appropriate Supportive Measure(s) to be implemented, the College will conduct an individualized assessment based on the unique facts and circumstances of a situation. Whether a possible Supportive Measure would unreasonably burden the other Party is a fact-specific determination made by the College in its discretion that takes into account the nature of the Education Program and Activity, opportunities and benefits in which an individual is participating.

Examples of Supportive Measures may include, as appropriate and as reasonably available:

- referral to counseling or medical services
- extensions of deadlines or other course-related adjustments
- modifications of work or class schedules
- campus escort services
- restrictions on contact between the Parties (no contact orders)
- changes in work or housing locations
- leaves of absence
- increased security and monitoring of certain areas of the campus

Supportive Measures will remain private to the extent possible. Some College officials will be notified of Supportive Measures as needed for implementation.

The Title IX Coordinator will ultimately serve as the point of contact for any individual requesting Supportive Measures.

## **Supportive Resources**

### *On-Campus Resources*

- [Counseling and Psychological Services \(CAPS\)](#)  
610-896-1089 (M-F, 9am-5pm)

- **Campus Safety**  
610-896-1111
- **Center for Gender Resources and Sexual Education (GRASE)**  
Email: [hc-grase@haverford.edu](mailto:hc-grase@haverford.edu)
- **Dean's Office Staff**  
Email: [sklewis@haverford.edu](mailto:sklewis@haverford.edu)

*Regional Resources*

- **Victims Services Center of Montgomery County**  
888-521-0983  
[www.victimservicescenter.org](http://www.victimservicescenter.org)
- **The Crime Victims' Center of Chester County**  
610-692-7273  
[www.cvcofcc.org](http://www.cvcofcc.org)
- **Delaware County Women Against Rape**  
610-566-4342  
[www.delcowar.org](http://www.delcowar.org)
- **Network of Victim Assistance (Bucks County)**  
1-800-675-6900  
[www.novabucks.org](http://www.novabucks.org)
- **Berks Women in Crisis (Berks County)**  
610-372-9540  
[www.berkswomenincrisis.org](http://www.berkswomenincrisis.org)
- **Women Against Abuse (Philadelphia)**  
866-723-3014  
[www.womenagainstabuse.org](http://www.womenagainstabuse.org)
- **Women Organized Against Rape (Philadelphia)**  
215-985-3333  
[www.woar.org](http://www.woar.org)

*National Resources*

- **RAINN (Rape, Abuse & Incest National Network)**  
800-656-HOPE (4673)  
  
Online chat:
  - English: [online.rainn.org](http://online.rainn.org)
  - Española: [rain.org/es](http://rain.org/es)[www.rainn.org/](http://www.rainn.org/)
- **National Sexual Violence Resource Center**  
[www.nsvrc.org/](http://www.nsvrc.org/)

**Emergency Removal**

The College may remove a Respondent from the College's Education Program or Activity

on an emergency basis, where the College (1) undertakes an individualized safety and risk analysis and (2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Misconduct justifies a removal.

If a College official determines such removal is necessary, the Respondent will be provided notice and an opportunity to appeal the decision immediately following the removal.

### **Administrative Leave**

The College retains the authority to place a non-student employee Respondent on administrative leave during the pendency of the Resolution Process, consistent with [Haverford College Employee Handbooks](#). An employee will not be placed on administrative leave unless and until a Formal Complaint of Sexual Misconduct has been filed with the College.

### **Resolution Process**

#### **Filing a Formal Complaint**

The timeframe for the College's Resolution Process begins with the filing of a Formal Complaint. The Resolution Process will be concluded within a reasonably prompt manner, and in ordinary cases no longer than ninety (90) business days after the filing of the Formal Complaint. The phrase "business days" shall refer to those days ordinarily recognized by the College's administrative calendar as workdays. The Process may be extended for a good reason, including but not limited to the absence of a Party, a Party's advisor, or a Witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. Parties may submit a written request for an extension to the Title IX Coordinator.

To file a Formal Complaint, a Complainant must provide the Title IX Coordinator a written, signed complaint describing the facts alleged. If a Complainant does not wish to make a Formal Complaint in connection with a report of Sexual Misconduct, the Title IX Coordinator may, in their discretion, determine a Formal Complaint is necessary and sign the Formal Complaint. When the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not the Complainant or otherwise a Party. The Title IX Coordinator will inform the Complainant of this decision in writing, and the Complainant need not participate in the process further, but the Complainant will still be treated as a Party entitled to inspect and review evidence and to receive all notices, including the notice of allegations, the notice of Hearing, and the notice of outcome. At no time will the College coerce or retaliate against a Complainant or any Party or Witness in order to convince the Complainant or any Party or Witness to participate in the Resolution Process.

Nothing in this Sexual Misconduct Policy prevents a Complainant from seeking the assistance of state or local law enforcement alongside the appropriate on-campus process.

A Complainant who files a Formal Complaint may elect (if all Parties and the College

agree), at any time, to address the matter through an [Alternative Resolution Process](#).

### **Multi-Party or Multi-Allegation Situations**

In its discretion, the College may consolidate Formal Complaints alleging Sexual Misconduct against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against the other Party, where the allegations arise out of the same facts or circumstances. In addition, the College has discretion to consolidate allegations of other forms of misconduct should they occur in the same incident. If Formal Complaints involving multiple Complainants, multiple Respondents, or multiple allegations are consolidated, each Party will have access to all of the information being considered including as provided by all involved Complainants, all involved Respondents, and all involved Witnesses. The decision to consolidate Formal Complaints is not subject to appeal.

### **Determining Jurisdiction and Mandatory Title IX Dismissal**

The Resolution Process will apply to a Formal Complaint if, in the reasonable determination of the Title IX Coordinator, the alleged conduct fits the definition of Sexual Misconduct as defined in this Policy, i.e., the alleged conduct is “Title IX Sexual Harassment” and/or “Other Gender-Based Misconduct,” as defined herein. In addition, a Complainant filing a Formal Complaint of Title IX Sexual Harassment must be participating, or attempting to participate, in the College’s Education Programs and Activities at the time the Formal Complaint is filed in order for the Formal Complaint to be considered Title IX Sexual Harassment for purposes of the Resolution Process. If the Complainant is not participating or attempting to participate in a College Education Program or Activity, the College will dismiss the Complaint for Title IX purposes and treat the Formal Complaint as one of Other Gender-Based Misconduct.

If the alleged conduct does not meet these definitions, the Title IX Coordinator will, in consultation with the Dean of the Undergraduate College (for student-related Complaints) or the Director of Human Resources (for employee-related Complaints) determine the appropriate process for resolution.

### **Discretionary Title IX Dismissal of Complaint**

The Title IX Coordinator may, in their discretion, dismiss a Formal Complaint brought under this Sexual Misconduct Policy, or any specific allegations raised within that Formal Complaint, at any time during the Investigation or Hearing, if:

- A Complainant notifies the Title IX Coordinator in writing that they would like to withdraw the Formal Complaint, or any allegations raised in the Formal Complaint;
- The respondent is no longer enrolled or employed by Haverford College or,
- If specific circumstances prevent the College from gathering evidence sufficient to reach a determination regarding the Formal Complaint or allegations within the Formal Complaint.

The College retains discretion on a case-by-case basis to dismiss a Formal Complaint

based on any of the above reasons. Just because one or all of the conditions above are satisfied, does not mean the College will automatically dismiss the Formal Complaint. Instead, the College will determine if such a decision is appropriate under the circumstances.

#### *Notice of Dismissal*

Upon reaching a decision that the Formal Complaint will be dismissed, the College will promptly send written notice of the dismissal of the Formal Complaint or any specific allegation within the Formal Complaint, and the reason for the dismissal, simultaneously to the Parties through their College email accounts if they are a student or employee, and by other reasonable means if they are neither. It is the responsibility of Parties to regularly check their email accounts.

Any Party may appeal a dismissal determination using the process set forth in “Appeals” section of this Policy.

#### *Withdrawal or Resignation While Charges are Pending*

Should a student withdraw from the College or refuse to participate in the Resolution Process, the College reserves the right to continue with the Formal Complaint in the student’s absence. A determination of responsibility that results in a student’s suspension or expulsion will be noted on that student’s official transcript.

Should an employee resign with unresolved allegations pending, Human Resources records will reflect that status, and the College reserves the right to continue with a Formal Complaint in the employee’s absence.

### **Notice of Allegations**

The Title IX Coordinator will draft and provide the Notice of Allegations to any Party to the allegations of Sexual Misconduct. Such notice will occur as soon as practicable after the College receives a Formal Complaint of the allegations if there are no extenuating circumstances.

The Parties will be notified simultaneously by their College email accounts if they are a student or employee, and by other reasonable means if they are neither. The College will provide sufficient time for the Parties to review the Notice of Allegations and prepare a response before any initial interview.

### **Contents of Notice**

The Notice of Allegations will include the following:

- Notice of the College’s Sexual Misconduct Policy and a hyperlink to a copy of the Policy.
- Notice of the allegations potentially constituting Sexual Misconduct, and sufficient details known at the time the Notice is issued, such as the identities of the Parties involved in the incident, if known, including the Complainant, the conduct allegedly

constituting Sexual Misconduct, and the date and location of the alleged incident, if known.

- A statement that the Respondent is presumed not responsible for the alleged conduct and that a Determination Regarding Responsibility will be made at the conclusion of the Resolution Process.
- A statement that the Parties may have an Advisor of their choice, who may be, but is not required to be, an attorney.
- A statement that before the conclusion of the Investigation, the Parties may inspect and review evidence obtained as part of the Investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the College does not intend to rely in reaching a Determination Regarding Responsibility, and evidence that both tends to prove or disprove the allegations, whether obtained from a Party or other source.
- Information regarding the availability of support and assistance through College resources and the opportunity to meet with the Title IX Coordinator in person to discuss resources, rights, and options.
- A statement that the College explicitly prohibits Retaliation by or against the Complainant, the Respondent, and Witnesses, that the College will take prompt action if Retaliation is reported, and instructions regarding how to report acts of alleged Retaliation.

### **Advisors**

Parties participating in the Formal Resolution Process as a Complainant or Respondent may be accompanied by an Advisor to any meeting or hearing to which they are required or are eligible to attend. The Advisor is not an advocate. Except where explicitly stated in this Policy, as consistent with the Department of Education's Final Rule, Advisors shall not participate directly in the process.

The College will reasonably attempt to accommodate meetings and hearings on dates when Advisors are available, provided that an Advisor acts reasonably in providing available dates and works collegially to find dates and times that meet all schedules.

The College's obligation to investigate and adjudicate in a prompt timeframe under Title IX and other College policies apply to matters governed by this Policy, and the College cannot agree to extensive delays solely to accommodate the schedule of an Advisor. The determination of what is reasonable shall be made by the Title IX Coordinator or designee. The College will not be obligated to delay a meeting or Hearing under this process more than five (5) days due to the unavailability of an Advisor, and may offer the Party the opportunity to obtain a different Advisor or utilize one provided by the College.

The College will provide the Parties equal access to Advisors and support persons; any restrictions on Advisor participation will be applied equally.

## **Alternative Resolution**

Parties who do not wish to proceed with an Investigation and live Hearing, and instead seek the College's assistance to resolve allegations of Sexual Misconduct, may elect to enter the Alternative Resolution Process. Generally speaking, these resolution options are less time intensive than an Investigation and Hearing, while still affording an opportunity to actively participate in a process for resolution of Complaints.

Parties may elect to enter an Alternative Resolution Process at any time after the filing of the Formal Complaint and prior to a Determination Regarding Responsibility through an informed written consent. This informed written consent will include all terms of the elected alternative process, including a statement that any agreement reached through the process is binding on the Parties.

All Parties must agree on the form of Alternative Resolution, and the Title IX Coordinator or designee must approve the decision to commence an Alternative Resolution Process and may determine that Alternative Resolution is not appropriate under the circumstances. Factors in considering the appropriateness of the Alternative Resolution Process include, but are not limited to, the gravity of the allegations, whether there is an ongoing threat of harm or safety to the campus, whether the Respondent is a repeat offender, and whether the Parties are participating in good faith. This determination is not subject to appeal.

Alternative Resolution is only permitted to address allegations of student-on-student sexual harassment and is never allowed as an option to resolve allegations that an employee sexually harassed a student.

At any time after the commencement of the Alternative Resolution Process, the College may determine that the Alternative Resolution Process is not an appropriate method for resolving the matter and may require that the matter be resolved through the Formal Process. This determination is not subject to appeal. In addition, either Party may elect to leave the Alternative Resolution Process at any point prior to reaching a resolution. If a Party elects to leave the Alternative Resolution Process, the Formal Resolution Process may recommence, if necessary.

## **Role of the Alternative Resolution Facilitator**

Alternative Resolution Processes are managed by Facilitators, who must not have a conflict of interest or bias in favor for or against Complainants or Respondents generally or regarding the specific Parties in the matter.

Facilitators have training in the definitions of Sexual Misconduct, the scope of the College's Education Program or Activity, how to conduct Alternative Resolution Processes, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, or bias.

## **Confidentiality**

In entering the Alternative Resolution Process, the Parties agree that any testimony and evidence (including admissions of responsibility) they share or receive during the

Alternative Resolution Process concerning the allegations of the Formal Complaint is confidential. No evidence concerning the allegations obtained within the Alternative Resolution Process may be disseminated to any person, provided that any Party to the Alternative Resolution Process may generally discuss the allegations under investigation with a parent, friend, advisor, or other source of emotional support, or with an advocacy organization. As a condition of entering the Alternative Resolution Process, any evidence shared or received during the Alternative Resolution Process may not be used in any subsequent Formal Resolution Process or College Appeal.

### **Alternative Resolution Options**

The College offers the following Alternative Resolution options for addressing Formal Complaints of Sexual Misconduct:

#### *Administrative Resolution*

Should the Parties mutually determine to enter the Alternative Resolution Process, and the Respondent elects to accept responsibility for the allegations of the Formal Complaint at any point during the Alternative Resolution Process, the College may administratively resolve the Formal Complaint.

Where the Respondent admits responsibility, the Parties will receive simultaneous written notification of the acceptance of responsibility, and a Hearing Panel will convene to determine the Respondent's sanction and other remedies, as appropriate and consistent with College policy. The Parties will be given an opportunity to be heard at a sanctions hearing, including but not limited to the submission of impact statements. Parties may be accompanied by their Advisor but questioning of Parties or Witnesses will not be permitted. The Parties will receive simultaneous written notification of the decision regarding sanctions and remedies, which may be appealed according to the Appeal Process.

#### *Facilitated Resolution*

The purpose of Facilitated Resolution is for the Parties who are in conflict to identify the implications of a student's actions and, with the assistance of a trained Facilitator, identify points of agreement and appropriate remedies to address them. Either Party can request Facilitated Resolution to seek resolution; however, Facilitated Resolution will be used only with the consent of both Parties. The Parties will be instructed not to contact one another during the process. The Title IX Coordinator will review any request for Facilitated Resolution and may, in their discretion, decline to mediate based on the facts and circumstances of the particular case. Either Party has the right to terminate the Facilitated Resolution process and choose or resume another option for resolution at any time.

During Facilitated Resolution, any potential Investigation will halt, and calculations for time frames will be stayed. If the Facilitated Resolution results in a resolution, the disciplinary process will be concluded, and the matter will be closed. If a resolution cannot be reached, the matter will be referred back to the Title IX Coordinator to re-evaluate other options for resolution, including Investigation.

During Facilitated Resolution, a Facilitator will guide a discussion between the Parties. In circumstances in which the Parties do not wish to meet face-to-face, either Party can request “caucus” Facilitated Resolution, and the Facilitator will conduct separate meetings. Whether or not the Parties agree to meet face-to-face, each Party will be permitted to bring an Advisor of their choice to any meetings. The Advisor may provide private guidance during the Facilitated Resolution but may not actively participate in the discussion between the Complainant and Respondent.

At the conclusion of the Facilitated Resolution, the Facilitator will memorialize the agreement that was reached between the Parties. The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution can result in appropriate enforcement actions.

## **Formal Resolution Process**

### **Notice of Meetings and Interviews**

The College will provide, to a Party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all Hearings, investigative interviews, or other meetings with a Party, with sufficient time for the Party to prepare to participate.

### **Request for Delay**

Each Party may request a one-time delay in the Resolution Process of up to five (5) days for good cause (granted or denied in the judgment of the Title IX Coordinator, in consultation with the Dean of the College or Director of Human Resources, as appropriate), provided that the requestor provides reasonable notice and the delay does not overly inconvenience other Parties.

The Title IX Coordinator shall have sole judgment to grant further pauses in the Process.

## **Investigation**

### *General Rules of Investigations*

The Investigator(s) will perform an Investigation under a reasonably prompt timeframe of the conduct alleged to constitute Sexual Misconduct after issuing the Notice of Allegations.

The College, and not the Parties, bears the burden of proof and the burden of gathering evidence, (i.e., the responsibility of showing a violation of this Policy has occurred). This burden does not rest with either Party, and either Party may decide not to share their account of what occurred or may decide not to participate in an Investigation or Hearing. This does not shift the burden of proof away from the College and does not indicate responsibility.

The College cannot access, consider, or disclose medical records without a waiver from the Party (or parent, if applicable) to whom the records belong or of whom the records include information. The College will provide an equal opportunity for the Parties to present Witnesses, including fact and expert Witnesses, and other inculpatory and/or

exculpatory evidence (i.e., evidence that tends to prove or disprove the allegations, respectively), as described below.

#### *Ongoing Notice*

If, in the course of an Investigation, the College decides to investigate allegations about the Complainant or Respondent that are not included in the original Notice of Allegations and otherwise fall within this Sexual Misconduct Policy, the College will notify the Parties whose identities are known of the additional allegations by their College email accounts or other reasonable means.

The Parties will be provided sufficient time to review the additional allegations to prepare a response before any initial interview regarding those additional charges.

#### *Review of Evidence*

Prior to the completion of the Investigative Report, the Parties and their Advisors will have an equal opportunity to inspect and review the evidence obtained through the Investigation. The purpose of the inspection and review process is to allow each Party the equal opportunity to meaningfully respond to the evidence prior to conclusion of the Investigation.

Evidence that will be available for inspection and review by the Parties will be any evidence that is directly related to the allegations raised in the Formal Complaint. It will include any:

1. Evidence that is directly related to the allegations in the Formal Complaint, even if that evidence does not end up being relied upon by the College in determining responsibility;
2. Inculpatory or exculpatory evidence that is directly related to the allegations, whether obtained from a Party or other source.

All Parties must submit any evidence they would like the Investigator to consider prior to when the Parties' time to inspect and review evidence begins.

The College will send the evidence made available for each Party and their Advisors to inspect and review. The College is not under an obligation to use any specific process or technology to provide the evidence and shall have the sole discretion in terms of determining format and any restrictions or limitations on access.

The Parties will have ten (10) business days to inspect and review the evidence and submit a written response by email to the Investigator. The Investigator will consider the Parties' written responses before completing the Investigative Report.

Any evidence subject to inspection and review will be available at any Hearing, including for purposes of questioning.

The Parties and their Advisors must sign an agreement not to disseminate any of the evidence subject to inspection and review or use such evidence for any purpose unrelated

to the Resolution Process.

Evidence obtained in the Investigation that is determined in the reasoned judgment of the Investigator not to be directly related to the allegations in the Formal Complaint will be included in the appendices to the Investigative Report and may be appropriately redacted before the Parties' inspection to avoid disclosure of personally identifiable information of a student.

#### *Investigative Report*

The Investigator will create an Investigative Report that accurately summarizes relevant evidence. The Investigative Report is not intended to catalog all evidence obtained by the Investigator, but only to provide an accurate summary of the relevant evidence.

Only relevant evidence (including both inculpatory and exculpatory) will be referenced in the Investigative Report.

The Investigator may redact irrelevant information from the Investigative Report when that information is contained in documents or evidence that is/are otherwise relevant.

### **Hearing**

#### *General Rules of Hearings*

The College will not issue a disciplinary sanction arising from an allegation of Sexual Misconduct without holding a Hearing and permitting an Appeal, unless otherwise resolved through an Alternative Resolution Process.

The Hearing may be conducted with all Parties physically present in the same geographic location, or, at the College's discretion, any or all Parties, Witnesses, and other participants may appear at the Hearing virtually through video conference. This technology will enable participants simultaneously to see and hear each other. At its discretion, the College may delay or adjourn a Hearing based on technological errors not within a Party's control.

#### *Continuances or Granting Extensions*

The College may determine that multiple sessions or a continuance (i.e., a pause on the continuation of the Hearing until a later date or time) is needed to complete a Hearing. If so, the College will notify all participants and endeavor to accommodate all participants' schedules and complete the Hearing as promptly as practicable.

#### *Participants in the Hearing*

Hearings are not public, and only the following individuals are permitted to participate:

### **Complainant and Respondent ("the Parties")**

- The Parties cannot waive the right to a Hearing except by participating in an Alternative Resolution.
- The College may still proceed with the Hearing in the absence of a Party and may reach a Determination Regarding Responsibility in their absence, including through any evidence gathered that does not constitute a "statement" by that Party.

- For example, an oral or written statement constituting part or all of the Sexual Misconduct itself is not a “prior statement” that must be excluded if the maker of the statement does not submit to questioning about that statement. In other words, a prior statement would not include a document, audio recording, audiovisual reading, and digital media, including but not limited to text messages, emails, and social media postings, that constitute the conduct alleged to have been the act of sexual harassment under the Formal Complaint.
- The decision-maker cannot draw an inference about the Determination Regarding Responsibility based solely on a Party’s absence from the Hearing or refusal to answer questions.
- Advisors shall be subject to this Policy’s [Rules of Decorum](#) and may be removed in the discretion of the Hearing Panel upon violation of those Rules.

### **The Hearing Panel**

- The Hearing Panel will consist of three (3) trained decision-makers, a Panel Chair and two Panel members. The Panel Chair may be a College administrator or an outside consultant, contracted by the College. Panel members will be appointed administrators or faculty members.
- No member of the Hearing Panel will also have served as the Title IX Coordinator, Title IX Investigator, Advisor to or Witness for any Party in the case.
- No member of the Hearing Panel may serve on the Appeals body in the case.
- No member of the Hearing Panel will have a conflict of interest or bias in favor of or against Complainants or Respondents generally, or in favor or against the Parties to the case.
- The Hearing Panel will be trained on topics including how to serve impartially, issues of relevance, how to apply the rape shield protections provided for Complainants, and any technology to be used at the Hearing.
- The Parties will have an opportunity to raise any objections regarding a Hearing Panel member’s actual or perceived conflicts of interest or bias at the commencement of the Hearing.

### **Advisors**

- The Parties have the right to select an Advisor of their choice, who may be, but does not have to be, an attorney.
- The Parties’ Advisors may accompany the Parties to any meeting or hearing they are permitted to attend, but may not speak for the Party, except for the purpose of questioning during a Hearing, where appropriate. (See [Questioning Procedure #1](#)).
- If a Party does not select an Advisor, the College will select an Advisor to serve in this role at the Hearing at no fee or charge to the Party.
- The Advisor is not prohibited from having a conflict of interest or bias in favor of or against Complainants or Respondents generally, or in favor or against the Parties to the case.

- If a Party does not attend the Hearing, the Party's Advisor may appear and ask questions on their behalf.
- If neither a Party nor their Advisor appears at the Hearing, the College will provide an Advisor to appear on behalf of the non-appearing Party.
- Advisors shall be subject to this Policy's [Rules of Decorum](#) and may be removed upon violation of those Rules.

### **Witnesses**

- Witnesses cannot be compelled to participate in the Hearing and have the right not to participate in the Hearing, free from retaliation.
- If a Witness does not submit to questioning, as described below, the Hearing Panel cannot rely on any statements made by that Witness in reaching a Determination Regarding Responsibility, including any statement relayed by the absent Witness to a Witness or Party who testifies at the Hearing.
- Witnesses shall be subject to this Policy's [Rules of Decorum](#) and may be removed upon violation of those Rules.

### *Hearing Procedures*

Any Hearing conducted under this Resolution Process will follow the procedure below:

- The Panel Chair will open and establish rules and expectations for the Hearing.
- The Parties will each be given the opportunity to provide opening statements.
- Panel members will ask questions of the Parties and Witnesses.
- Parties or their Advisors, as applicable, will be given the opportunity to ask questions of the other Party and Witnesses after the Panel members conduct their initial round of questioning.
- During the Parties' questioning, the Panel Chair will have the authority to pause at any time for the established [Rules of Decorum](#).
- Should a Party or the Party's Advisor choose not to question the other Party or any Witness, that Party shall affirmatively waive their right to questioning through a written or oral statement to the Panel Chair. A Party's waiver of questioning does not eliminate the ability of the Hearing Panel to use statements made by the Party.

### *Questioning Procedure*

The questioning procedure may differ according to the allegations presented at the Hearing.

### **Procedure #1**

At a Hearing convened to resolve allegations of "Title IX Sexual Harassment," as defined above in this Policy, each Party's Advisor will conduct questioning of the other Party or Parties and Witnesses. During this questioning, the Advisor may ask the other Party or Parties and Witnesses relevant questions and follow-up questions, including those that

challenge credibility directly, orally, and in real time. Parties are not permitted to ask questions of the other Party or Witnesses in Hearings convened under this Procedure #1.

Before any question is answered, the Panel Chair will determine if the question is relevant. The Panel Chair retains the discretion to determine what constitutes a “relevant” question. For example, questions that are duplicative of those already asked may be deemed irrelevant if they have been asked and answered.

If a Party does not submit to questioning during Procedure #1, the Hearing Panel cannot rely on any prior statements made by that Party in reaching a Determination Regarding Responsibility, but may reach a Determination Regarding Responsibility based on evidence that does not constitute a “statement” by that Party.

### **Procedure #2**

For all other Hearings, Parties, and not their Advisors, must conduct any questioning of Witnesses. With respect to questioning of the other party, the Panel Chair will conduct the questioning based upon written questions submitted by the Party. The Panel Chair will only ask the written questions submitted by the other party if they determine, in their discretion, that the question is deemed “relevant.” Irrelevant questions will not be asked at the Hearing.

### *Hearing Recording & Transcript*

All Hearings will be recorded, and a transcript will be available to the Parties for inspection and review. Requests to review the recording and/or transcript must be made in writing to the Title IX Coordinator. Prior to obtaining access to a Hearing transcript, the Parties and their Advisors must sign an Agreement not to disseminate any of the testimony heard or evidence obtained in the Hearing or use such testimony or evidence for any purpose unrelated to the Resolution Process. Once signed, this Agreement may not be withdrawn. Hearing transcripts will be available within 7 business days of the conclusion of the Hearing unless there are extenuating circumstances.

### **Determination Regarding Responsibility**

#### *Standard of Proof*

The College will use a “preponderance of the evidence” standard in deriving conclusions for its Determination Regarding Responsibility for Formal Complaints brought under this Policy. This standard means that the facts uncovered during the Investigation and Hearing determine whether it is more likely than not that a violation of the Policy occurred.

#### *Considerations for Evaluating Testimony and Evidence*

Determinations Regarding Responsibility for an allegation of Sexual Misconduct may be based in part, or entirely, on documentary, oral, audiovisual, and digital evidence, as warranted in the reasoned judgment of the Panel Chair.

Hearing Panel members shall not draw inferences regarding a Party’s or Witness’ credibility based on the Party’s or Witness’ status as a Complainant, Respondent, or Witness, nor shall they base their judgments in stereotypes about how a Party or Witness would or should act under the circumstances.

Generally, credibility judgments will rest on the demeanor of the Party or Witness, the plausibility of their testimony, the consistency of their testimony, and the reliability of the testimony considering corroborating or conflicting testimony or evidence.

Conversely, credibility judgments will not rest on whether a Party's or Witness' testimony is non-linear or incomplete, or if the Party or Witness is displaying stress or anxiety.

Decision-makers will afford the highest weight relative to other testimony to first-hand testimony by Parties and Witnesses regarding their own memory of specific facts that occurred. Both inculpatory and exculpatory evidence will be weighed in equal fashion.

Except where specifically barred by the Title IX Final Rule, a Witness' testimony regarding third-party knowledge of the facts at issue will be permitted, but generally will be accorded lower weight than testimony regarding direct knowledge of specific facts that occurred.

Parties may call "expert witnesses." While the expert witness will be permitted to testify and be questioned, the Hearing Panel will be instructed to afford lower weight to non-factual testimony of the expert relative to fact witnesses, and any expert testimony that is not directed to the specific facts that occurred in the case will be afforded lower weight than testimony of fact witnesses, regardless of whether the expert witness testimony is the subject of questioning and regardless of whether both Parties present experts as Witnesses.

Parties may call character witnesses to speak on their behalf. While the character witness may testify and be questioned, the Hearing Panel will be instructed to afford very low weight to any non-factual character testimony of any Witness.

Where a Party's or Witness' conduct or statements demonstrate that the Party or Witness is engaging in retaliatory conduct, including but not limited to Witness tampering and intimidation, the Hearing Panel may draw an adverse inference as to that Party's or Witness' credibility.

#### *Written Determination Regarding Responsibility*

The written Determination Regarding Responsibility ("the Determination") will be issued simultaneously to all Parties through their College email account, or other reasonable means, as necessary. The Determination will include:

1. Summary of the allegations of Sexual Misconduct.
2. A description of the procedural steps taken from the receipt of the Formal Complaint through the Determination, including any notifications to the Parties, interviews with Parties and Witnesses, site visits, methods used to gather other evidence, and Hearings held.
3. Findings of fact supporting the Determination.
4. Conclusions regarding which section of the Sexual Misconduct Policy, if any, the Respondent has or has not been found to have violated.
5. For each allegation:

- a. A statement of, and rationale for, the Determination Regarding Responsibility.
  - b. A statement of, and rationale for, any disciplinary sanctions the College imposes on the Respondent; and
  - c. A statement of, and rationale for, whether remedies designed to restore or preserve equal access to the College's Education Program or Activity will be provided to the Complainant; and
6. The College's procedures and the permitted reasons for the Complainant and Respondent to appeal the Determination (described below in "Appeal").

*Timeline of Determination Regarding Responsibility*

If there are no extenuating circumstances, the Determination Regarding Responsibility will be issued by the College within ten (10) business days of the completion of the Hearing.

The Determination becomes final either on the date that the College provides the Parties with the result of any Appeal, if such Appeal is filed consistent with the procedures and timeline outlined in "Appeals," below, or if an Appeal is not filed, the date on which the opportunity to file an Appeal expires.

**Sanctions**

When a Respondent accepts or is found responsible for violating this Sexual Misconduct Policy, factors considered when determining a sanction/responsive action may include, but are not limited to:

- The nature of, severity of, and circumstances surrounding the violation(s)
- The Respondent's conduct history
- Previous allegations against or allegations involving similar conduct by the Respondent
- The impact on the Parties
- Any other information deemed relevant by the Hearing Panel

The sanctions will be implemented as soon as feasible, either upon the outcome of any Appeal or the expiration of the Appeal window. Possible sanctions described in this Policy are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed by external authorities.

The following sanctions may be imposed upon any member of the College community found to have violated the Sexual Misconduct Policy:

- Permanent separation
- Time-limited separation
- Deferred separation
- Performance improvement plan
- Loss of campus housing or other privileges
- Removal from organization, team and/or committee
- Revocation of leadership or supervisory position
- Disciplinary probation
- Community service or other work assignments
- Writing assignment

- External program attendance or facilitation
- Warning – Written or oral
- Revocation of degree
- Withholding of diploma and/or transcripts
- Prohibition from participation in Commencement and/or Senior Week activities

## **Appeals**

Each Party may appeal (1) the Dismissal of a Formal Complaint or any included allegations and/or (2) a Determination Regarding Responsibility. A Party must submit a written Appeal within five (5) business days of being notified of the Dismissal of a Formal Complaint or Determination Regarding Responsibility, indicating the grounds for the Appeal.

The grounds for Appeal are limited to:

- Procedural irregularity that affected the outcome of the matter (i.e., a failure to follow the College's own procedures).
- New evidence that was not reasonably available at the time the Determination Regarding Responsibility or dismissal was made, that could affect the outcome of the matter.
- The Title IX Coordinator, Investigator(s), or decision-maker(s) had a conflict of interest or bias for or against an individual Party, or for or against Complainants or Respondents in general, that affected the outcome of the matter.

The submission of an Appeal stays any sanctions for the pendency of the Appeal. Supportive Measures and remote learning opportunities remain available during the pendency of the Appeal.

If a Party appeals, the College will as soon as practicable notify the other Party in writing of the Appeal; however, the time for Appeal shall be offered equitably to all Parties and shall not be extended for any Party solely because the other Party filed an Appeal.

Appeals should be submitted in electronic form to the President of the College (of the campus on which the hearing was held).

The outcome of an Appeal will be provided in writing simultaneously to both Parties and will include the rationale for the decision. The Appeal decision is final, and no subsequent Appeals are permitted.

## **Retaliation**

The College will keep the identity of any individual who has made a report or complaint of Sexual Misconduct confidential, including the identity of any individual who has made a report or filed a Formal Complaint of Sexual Harassment under this Sexual Misconduct Policy, any Complainant, any individual who has been reported to be the perpetrator of Sexual Misconduct under this Policy, any Respondent, and any Witness, except as permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99,

or as required by law, or to carry out the purposes of 34 CFR Part 106, including the conduct of any Investigation, Hearing, or judicial proceeding under this Sexual Misconduct Policy.

No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX of the Education Amendments of 1972 or its implementing regulations.

No person may intimidate, threaten, coerce, or discriminate against any individual because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an Investigation, proceeding or Hearing under this Sexual Misconduct Policy.

Any intimidation, threats, coercion, or discrimination, for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations, constitutes retaliation. This includes any charges filed against an individual for code of conduct violations that do not involve Sexual Misconduct under this Policy, but that arise from the same facts or circumstances as a report or complaint of Sexual Misconduct under this Policy.

### **Record Retention**

The College shall retain for a period of seven years after the date of case closure: the official file relating to a formal resolution, including any Investigation, Hearing, Determination Regarding Responsibility, sanctioning, and/or Appeal processes involving allegations of Sexual Misconduct. In cases in which a Respondent was found to have violated the Policy and was separated from the College, the College may retain such official case files indefinitely.

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## Appendix I: Rules of Decorum for Resolution Process Hearings

### Purpose of the Rules of Decorum

Title IX Hearings are not civil or criminal proceedings and are not designed to mimic formal trial proceedings. They are primarily educational in nature, and the U.S. Department of Education (“the Department”), writing about Title IX in the Final Rule, “purposefully designed these final regulations to allow recipients to retain flexibility to adopt rules of decorum that prohibit any party advisor or Hearing Panel Chair from questioning witnesses in an abusive, intimidating, or disrespectful manner.” 85 Fed. Reg. 30026, 30319 (May 19, 2020). The Department has determined that institutions “are in a better position than the Department to craft rules of decorum best suited to their educational environment” and build a hearing process that will reassure the Parties that the institution “is not throwing a party to the proverbial wolves.” *Id.*

To achieve this purpose, Colleges may provide for reasonable rules of order and decorum, which may be enforced through the removal of an Advisor who refuses to comply with the rules. *Id.*, at 30320. As the Department explains, the removal process “incentivizes a party to work with an advisor of choice in a manner that complies with a recipient’s rules that govern the conduct of a hearing, and incentivizes colleges and universities to appoint advisors who also will comply with such rules, so that hearings are conducted with respect for all participants.” *Id.*

At base, these Rules of Decorum require that all Parties, Advisors, and College staff treat others who are engaged in the process with respect.

The Rules of Decorum and processes set forth herein apply equally to all Parties and their Advisors regardless of sex, gender, or other protected class, and regardless of whether they are in the role of Complainant or Respondent.

### Rules of Decorum

The following Rules of Decorum (“the Rules”) are to be observed in the Hearing and applied equally to the Parties (meaning the Complainant and Respondent) and Advisors:

1. Questions must be conveyed in a neutral tone.
2. Parties and Advisors will refer to other Parties, Witnesses, Advisors, and College staff using the name and gender used by the person and shall not intentionally mis-name or mis-gender that person in communication or questioning.
3. No Party may act abusively or disrespectfully during the Hearing toward any other Party or to Witnesses, Advisors, or Hearing Panel members.
4. The Advisor may not yell, scream, badger, or physically “lean in” to a Party or Witness’ personal space. Advisors may not approach the other Party or Witnesses without obtaining permission from the Hearing Panel Chair.

5. The Advisor may not use profanity or make *ad hominem* attacks upon a Party or Witness. Questions must be interrogative statements used to test knowledge or understand a fact; they may not include accusations within the text of the question.
6. The Advisor may not ask repetitive questions. When the Hearing Panel Chair determines a question has been “asked and answered” or is otherwise not relevant, the Advisor must move on.
7. Parties and Advisors may take no action at the Hearing that a reasonable person in the shoes of the affected Party would see as intended to intimidate that person (whether Party, Witness, or official) into not participating in the process or meaningfully modifying their participation in the process.

### Warning and Removal Process

The Hearing Panel Chair shall have sole discretion to determine if the Rules have been violated. The Chair will notify the offending person of any violation of the Rules.

Upon a second or further violation of the Rules, the Hearing Panel Chair shall have discretion to remove the offending person or allow them to continue participating in the hearing or other part of the process.

Where the Chair removes a Party's Advisor, the Party may choose a different Advisor, or (in cases involving Title IX Sexual Harassment) accept an Advisor provided by the College for the limited purpose of questioning at the Hearing. Reasonable delays, including temporary adjournment of the Hearing, may be anticipated should an Advisor be removed. A Party cannot serve as their own Advisor in this circumstance.

The Hearing Panel Chair shall document any decision to remove an Advisor in the Determination Regarding Responsibility.

For flagrant, multiple, or continual violations of the Rules, in one or more proceedings, Advisors may be prohibited from participating in future proceedings at the College in the Advisor role, on a temporary or permanent basis. Evidence of violation(s) of the Rules will be gathered by the Title IX Coordinator and presented to the Dean of the College for proceedings involving students or to the Director of Human Resources for cases involving employees. The Advisor in question may provide an explanation or alternative evidence in writing to appeal the prohibition from participation. This appeal must be submitted to the appropriate Dean or Director within fifteen (15) calendar days of receipt. There shall be no right to a hearing, oral testimony, or questioning.

The Dean of the College or Director of Human Resources shall consider the evidence, using a preponderance of the evidence standard, and issue a finding in writing regarding removal. The finding shall be issued in writing to all Parties and Advisors (if there is a current case pending) within thirty (30) days, unless extended for good cause. There is no appeal of this finding.

## Relevant Questions Asked in Violation of the Rules of Decorum

Should an Advisor ask a relevant question in a manner that violates the Rules, such as yelling, screaming, badgering, or leaning-in to the Witness' or Party's personal space, the question will not be deemed irrelevant by the Hearing Panel Chair simply because of the manner in which it was delivered. Under that circumstance, the Hearing Panel Chair will notify the Advisor of the violation of the Rules, and, if the question is relevant, will allow the question to be re-asked in a respectful, non-abusive manner by the Advisor (or a replacement Advisor, should the Advisor be removed for violation of the Rules).

[Acknowledgement](#)

Policy adapted from the *Model Grievance Policy for Addressing Formal Complaints of Sexual Harassment Under the Title IX Regulations* provided by:

**SUNY Student Conduct Institute**

The State University of New York  
State University Plaza  
Albany, NY 12246

Created: August 14, 2020

Revised: August 25, 2020

## **Additional Resources:**

### **Deputy Title IX Coordinators**

#### **Noemí Fernández**

Program Manager for the Hurford Center for the Arts and Humanities

VCAM 104

(610) 896-1336

[nfernandez@haverford.edu](mailto:nfernandez@haverford.edu)

#### **James Keane**

Registrar

Stokes 108

(610) 896-1023

[jkeane@haverford.edu](mailto:jkeane@haverford.edu)

#### **Geoffrey Labe**

Director of Conferences, Events, and Whitehead Campus Center Services

WCC 007

(610) 896-4923

[glabe@haverford.edu](mailto:glabe@haverford.edu)

#### **Drew Hargrave**

Head Volleyball Coach

GIAC

[dhargrave@haverford.edu](mailto:dhargrave@haverford.edu)

#### **Michael Elias**

Assistant Dean of the College & Director of Student Engagement and Leadership

Stokes 022C

(610) 896-1228

#### **Kelly Wilcox**

Dean for Student Health & Learning Resources

Director, Office of Academic Resources

Stokes 203D

(610) 795-6140

#### **Raquel Esteves-Joyce**

Assistant Director for Academic Resources

Stokes 118F

(610) 795-6121

## **Donna Hawkins**

Director of Employee Relations

Stokes 222

(610) 896-1241

dhawkins@haverford.edu

## **Health Center**

**Kathy McGovern**, Director

- **Phone:** (610) 896-1089
- **Hours:** M–Thu: 9:00 a.m.–6:00 p.m.  
Friday: 9:00 a.m.–5:00 p.m.
- **Location:** Morris Infirmary

After hours contact **Campus Safety** at (610) 896-1111.

### **If you have been assaulted or have experienced sexual violence:**

- **If necessary, seek medical attention** as soon as possible.
- Student Health Services (SHS) can provide evaluation and treatment to victims of sexual and dating violence regardless of whether they make a report or seek additional resources.
- As appropriate, SHS providers can perform examinations, discuss testing and treatment of STDs, provide emergency contraception if necessary and arrange for referrals and follow up.
- Sexual health providers at SHS are trained to respond to sexual assault with sensitivity and care. All services are confidential. Both male and female providers can perform examinations.
- A student seeking medical care for sexual violence or reproductive health may consent to medical care or treatment at any age and without consent of parent or guardian.
- Charges for lab tests and pharmacy supplies related to a sexual assault, provided in SHS, are waived.
- SHS does not perform a Forensic Rape Examination, used to gather forensic evidence, should the victim/survivor choose at any time to pursue prosecution.

### **Students may also be evaluated for medical care in an emergency room or by an outside medical provider.**

- SHS staff are available to accompany a student to Bryn Mawr Hospital Emergency Room (ER) and assist with a referral to an outside medical provider.

## **Bryn Mawr Hospital**

### **Emergency Room**

**Phone:** (484) 337-4830

- **Hours:** 24 hours a day, 7 days a week
- **Address:** 130 South Bryn Mawr Avenue  
Bryn Mawr, PA 19010

### **At Bryn Mawr Hospital, a Sexual Assault Nurse Examiner (SANE) can:**

- With your permission, administer a rape kit.
- Check for internal injuries, sexually transmitted infections, and pregnancy.

An examination by **Haverford College Health Services** is not admissible in court as evidence, but an examination by a SANE nurse at Bryn Mawr Hospital is.

- The ER staff is specially trained to respond to sexual assault with sensitivity and care.
- Bryn Mawr Hospital's ER is required by law to notify the police that a sexual assault occurred, and the police will then come to the emergency room.
- In the ER, you are not required to speak with the police or to make a police report in order to receive medical treatment.
  
- If you decide to talk with the police, you are not making a commitment to press charges against the perpetrator later on.

## **Police**

In case of emergency, call 911. Police officers are available 24 hours a day. Campus Safety can put you in touch with the correct police department, bring an officer to campus or accompany you to the station, and advise you what to expect if you decide to contact them.

### **Haverford Township Police Department**

- Phone: (610) 853-1298
- Hours: 24 hours a day, 7 days a week
- Address: 1010 Darby Road  
Havertown, PA 19083

### **Lower Merion Township Police Department**

- Phone: (610) 649-1000
- Hours: 24 hours a day, 7 days a week
- Address: 75 East Lancaster Avenue  
Ardmore, PA 1900

## **Visa and Immigration Assistance:**

Denise Allison  
Assistant Dean for International Student Support  
Stokes Hall 111-B  
[dallison@haverford.edu](mailto:dallison@haverford.edu)  
610-896-2960

## **Financial Aid Assistance:**

Financial Aid Office  
Campus Center, Second Floor  
[finaid@haverford.edu](mailto:finaid@haverford.edu)  
610-896-1360

## **Required Training for Those in Charge of the Investigation and the Internal Judicial Process**

In **2019**, the **Title IX Coordinator** received the following training on the issues related to domestic violence, dating violence, sexual assault and stalking, as well as how to conduct an investigation:

- Campus Safety and Violence Prevention Forum – Virginia Department of Criminal Justice Services – March 2019
  - Trauma Informed Interviewing
  - Essentials of Report Writing in College & University Title IX Cases
  - Implicit Bias
  - Navigating the Intersections – Institutional Response to Sexual Misconduct, Intimate Partner Violence and Stalking on Campus
- Mental Health First Aid – June 2019
- NACCOP (National Association of Clery Compliance Officers & Professionals) National Conference – July 2019
  - Title IX Coordinator track
- EVAWI (End Violence Against Women International) Online Training Institute – September 2019
  - Effective Report Writing: Using the Language of Non-Consensual Sex
  - Dynamics of Sexual Assault: What Does Sexual Assault Really Look Like?
- NASPA (National Association of Student Personnel Administrators) Law Conference – December 2019
  - Restorative Justice and Title IX Informal Resolutions
  - Refocusing on Respondent Rights and Survivor Safety
- ATIXA (Association of Title IX Administrators) Title IX Training Series
  - Applying Preponderance & Making a Finding
  - Assessing Credibility
  - Deliberations & Groupthink
  - Documentation

- Intimate Partner Violence Overview
- Investigation Requests
- Preliminary Inquiry
- Questioning
- Role of the Investigator

In **2017**, the **Investigator** for Haverford College received the following training on the issues related to domestic violence, dating violence, sexual assault and stalking, as well as how to conduct an investigation:

- Twelfth Annual NJ CUPSA & IACLEA Conference Mid Atlantic & North Atlantic Regions – Attended sessions on Title IX and the Clery Act
- Jeanne Clery Act Compliance: A Collaborative Team Approach – Lehigh University – Training on Clery Act Compliance
- Rowan University – 5<sup>th</sup> Annual Title IX Summit: Tools for Success – Attended sessions on Title IX, Working with Accused Students: Providing Support and Due Process for All Parties, Recognizing Domestic Violence, Cultural Competencies in Title IX Investigations and Conducting a Successful Investigation
- Legal Issues in Higher Education Conference – Attended sessions on the Clery Act, Title IX, VAWA, Investigation and Resolution of Sexual Violence cases under the Trump Administration, and The Current Landscape of Sexual Assault.
- Montgomery McCracken – Fall Forum for Colleges and Universities – Title IX – Where Things Stand and Where Are They Headed

In **2018**, the **Investigator** for Haverford College received the following training on the issues related to domestic violence, dating violence, sexual assault and stalking, as well as how to conduct an investigation:

- The Use of Technology in Stalking Cases
- Threat Assessment in Domestic Violence, Dating Violence and Stalking Cases
- Investigating Domestic Violence, Dating Violence and Stalking Complaints
- Assessing Credibility in Sexual Assault Cases
- Ensuring Equitable Civil Rights Investigations
- International Student Victims of Sexual Assault
- Community College of Philadelphia, Judicial Affairs- Best Practices – Attended sessions on Title IX, Sexual Assault - Medical and Forensic Issues, Online Predators, Sexual Violence and the LGBTQ Community

- Thirteenth Annual NJ CUPSA & IACLEA Conference Mid Atlantic & North Atlantic Regions – Attended sessions on Federal Compliance (Clery and Title IX) and “Giving a Voice to Crime Victims
- Investigating & Prosecuting Campus Sexual Assault – Pennsylvania Coalition Against Rape
- Symposium on Sexual Misconduct Prevention and Awareness: An Inclusive Training @ Rosemont College – Policies and Laws about Sexual Misconduct, Men’s Role in Ending Sexual Violence, Gender Identity, Sexual Orientation & Sexual Assault: Perspectives of Those Who Are Not Heterosexual, Attitudes and Empathy, Bystander Intervention

In **2019**, the **Investigator** for Haverford College received the following training on the issues related to domestic violence, dating violence, sexual assault and stalking, as well as how to conduct an investigation:

14th Annual NJ CUPSA & IACLEA Conference - Clery Act, PTSD (Post Traumatic Stress Disorder)

Everfi - Child Abuse and Molestation Awareness and Prevention in Pennsylvania

Everfi - Discrimination and Harassment Prevention for Higher Education

Everfi- Preventing Discrimination and Sexual Violence - Title IX, VAWA and Clery Act for Faculty and Staff

Trauma Informed Sexual Assault Investigations Training

Implicit Bias Training

In **2020**, the **Investigator** for Haverford College received the following training on the issues related to domestic violence, dating violence, sexual assault and stalking, as well as how to conduct an investigation:

11th Annual Conference on Student Conduct and Judicial Affairs - Clery Act

Advanced Investigations of Sexual Misconduct

Webinar - Clery Act Requirements in Light of New Title IX Regulations

Webinar - A First Look at the Title IX Regulations: Summary of Key Provisions and Practical Implementation Considerations

Webinar - Unpacking the Final Title IX Regulations

Webinar – New Title IX Regulations: Policies, Procedures and Practical Implementation

Webinar – New Title IX Regulations: Initial Assessment: Notice, Jurisdiction, Supportive Measures and Formal Complaints

Webinar – New Title IX Regulations: Investigations and Evidentiary Issues

The **Adjudicators of Student Discipline** (the Dean's Panel) received the following training:

**Adjudicating Complaints of Sexual Misconduct – 17 Tips for Adjudicators of Student Discipline (2016-2017)** – Covered a wide range of topics, including sexual assault, intimate partner violence, alcohol and drug use, myths and stereotypes surrounding sexual assault evaluating evidence and credibility determinations. The training also included advice on formulating questions and avoiding victim blaming.

#### **Sexual Misconduct Adjudicator Training 2017-18**

- Reporting obligations
- Haverford's Sexual Misconduct Policy, including definitions of harassment, assault, consent, incapacitation.
- Haverford's Dean's Panel Protocols, including standard of evidence and role of adjudicators in the finding of responsibility and the determining of resolutions.
- Considerations in the finding of responsibility and the determining of resolutions.
- Review of Haverford's 2017 HEDS sexual climate survey results.
- Updates on the federal regulatory landscape.

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- Considerations in the finding of responsibility and the determining of resolutions.
- Review of Haverford's 2017 HEDS sexual climate survey results.
- Updates on the federal regulatory landscape.

## **Alcohol, Controlled Substances and Weapons**

Haverford College complies with all federal, state and local laws – including those that regulate the manufacture, sale, purchase, transportation, possession, and use of alcoholic beverages, controlled substances and weapons. Regulations will be enforced by Campus Safety, the Haverford Township Police Department and the Lower Merion Township Police Department.

### **Commonwealth Law**

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, purchases, consumes, possesses, or knowingly and intentionally transports 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.

k. Pennsylvania state law allows a driver to be considered intoxicated and charged with driving under the influence (DUI) if they have 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.

l. 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 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.

## **ALCOHOL POLICY**

### The Alcohol Policy

## Introduction:

There are numerous sections of the Crime Code of the Commonwealth of Pennsylvania that deal with intoxicating liquor. An increasing public concern about alcohol abuse and alcohol-related injuries has been followed by a developing body of case law that has extended the liabilities of vendors to non-commercial or “social” hosts on whose premises alcohol is served to minors or intoxicated persons of any age. The Haverford College Policy of Drug-Free Schools, adopted in compliance with federal requirements, forbids the unlawful possession, use of, or distribution of illicit drugs or alcohol. Mindful of legal obligations, Haverford College has developed a policy that seeks to achieve the following goals:

### Goals of the Alcohol Policy:

To remind students of the laws of the Commonwealth of Pennsylvania and of the Honor Code, all of which should govern their behavior with respect to alcohol. Students are entrusted to hold themselves to high standards of conduct, such as concern for the safety of themselves and others, and respect for others’ decisions concerning alcohol and other controlled substances, so long as these decisions are not in violation of the Policy;

To stress moderation, safety, and individual accountability for those who choose to drink;

To maintain a respectful social atmosphere that is free of coercion for those who choose to drink, and those who choose not to drink and a climate in which alcohol is not the center of parties or other social events;

To maintain a community in which alcohol abuse and its effects are minimal;

To provide confidential and effective guidance for those with specific needs related to alcohol use and alcoholism; and

To provide information and education about the effects of alcohol for all its students.

All members of the community are expected to be familiar with and abide by the Alcohol Policy. It is the duty of all students to conduct themselves in a manner consistent with the Honor Code and the Alcohol Policy and to help others to do the same. With regard to the consumption of alcohol, it is recognized that students are responsible for their own well-being, as well as the well-being of others. Thus, behavior that puts lives at risk, in terms of mental and physical health and legal liability, cannot be condoned.

### The Policy:

#### Article I

Students have the responsibility to confront others whose behavior under the influence of alcohol is inconsistent with the welfare of themselves and others in the community. When community members lose their ability to reason and control their actions due to excessive alcohol consumption, it is threatening to them, to those around them, and ultimately to the

community as a whole. Students are responsible for preventing themselves and others from ever reaching that point.

Inebriation shall not be seen as an acceptable or justifiable excuse for disruptive behavior and confrontation for such behavior shall be dealt with as prescribed by the Honor Code.

## Article II

Any infractions of Article II will fall under the jurisdiction of Honor Council and JSAAPP. Students have the responsibility to preserve the natural integrity of the campus and therefore to maintain the good condition of the College by preventing any instances of destruction, defacement, littering, and other offenses that can occur as results of alcohol consumption. Events that involve the consumption of alcohol can often lead to the scattering of cups, broken glass, and other waste that affects the condition of the grounds and the safety of the students. In addition, excessive consumption of alcohol can lead to the defacement and vandalism of campus buildings by community members. Students have the responsibility for preventing and resolving these issues in the interest of student safety and the College's ecological and aesthetic environment.

## Article III

Events: Since the majority of the students are under twenty-one, the legal drinking age in the Commonwealth of Pennsylvania, alcoholic beverages are not to be served or consumed at student events open to and/or advertised in the college, bi-college, or tri-college communities with the exemption of special events that have been approved by the Joint Student-Administration Alcohol Policy Panel (JSAAPP). In order to receive permission for an aforementioned "special event," the event coordinators must first submit in writing a proposal for the event to JSAAPP. These events must meet the following criteria in order to be considered:

The event may only take place in Lunt Basement or in James House.

The event must be aimed towards promoting the fine or performing arts.

The event organizers plan the event with the aim of promoting the goals of the Alcohol Policy in mind—stressing moderation, safety, and individual accountability for those who choose to drink and providing a positive drinking atmosphere in which alcohol is not the center of the event. Additionally, online discussions relating to the presence of alcohol at an event are highly discouraged.

Alcohol may not be served at the event if the event coincides with Prospective Student Weekend.

If the event organizers wish to organize a series of events, they can apply once at the beginning of the semester for all the events that semester, given JSAAPP approval.

Private Parties: Outside of approved special events, alcoholic beverages may be consumed only in private spaces. A private space is defined as a student residence or an

outdoor area, such as a stoop, porch, or yard that is immediately adjacent to a student residence. The College recommends students not consume alcoholic beverages outdoors on College grounds, hallways or stairwells. Furthermore, alcoholic beverages may only be served in indoor private spaces or adjacent areas. Serving or consuming alcohol on athletic fields used by any College team or outside group is prohibited, in compliance with NCAA regulations.

Alcoholic beverages may neither be served nor consumed in public spaces such as, but not limited to, Founders Great Hall and Common Room, the Dining Center, all classroom and laboratory buildings, all libraries, any athletic fields used by any College team or outside group, and any space not defined as a private space without the express written permission of the President of the College.

The guidelines apply to all students, including those twenty-one years of age or older.

While the distribution of alcohol to all individuals under the age of 21 is illegal, the distribution of alcohol to those under the age of 18 is especially troublesome and will not be condoned.

If drinking, students should work to curtail behaviors that may pose a hazard to the comfort and safety of party or event guests, other occupants of the dormitory, and themselves, including, but not limited to, creating excessive noise and/or blocking corridors, stairwells, or doorways.

As is the case with JSAAPP approved special events, all private parties must not advertise the presence of alcohol.

#### Article IV

Students who consume alcohol in a manner incompatible with the goals of the Alcohol Policy should be asked to refrain from the offending action by the host or other party guests. In incidents where the students feel that a violation of the Alcohol Policy has occurred and where the confronting party and confronted individual fail to reach a resolution, they should follow the procedure of the campus on which the incident occurred. For this reason, students choosing to attend parties or events at Bryn Mawr College should first familiarize themselves with Bryn Mawr's Alcohol and Party Policies and Honor Code. At Haverford, disregard for these and other party policies should be brought to the attention of JSAAPP. This panel will address strictly procedural violations of the Policy, and will present resolutions aimed at repairing the breach of trust caused by the violation. These resolutions will be presented orally and in writing to both the confronting and confronted parties, as well as to the Dean of the College. Referrals can be made by Honor Council. A student has a period of seven days after the completion of a JSAAPP Inquiry in which to appeal to the Dean of the College or his/her designate to change the resolution(s). If the Dean in question wishes to offer alternative resolutions, he/she must consult with JSAAPP prior to the notification of the change in resolutions. The appeal must be presented orally and in writing, and may be made on either substantive or procedural grounds.

When confronting an individual does not or cannot lead to the satisfactory resolution of a problem, the individual whose behavior allegedly violates the Honor Code shall ultimately be brought to the attention of Honor Council. Honor Council will bring a case to the attention of the Office of the Dean if there is a threat to the life or safety of individuals or of damage to College or private property resulting from inebriation or a violation of the Alcohol Policy. Flagrant or repeated violations of the Party Guidelines could constitute such a case. Such behavior may result in separation or exclusion of the confronted person(s) from the College.

In some cases, Honor Council, JSAAPP, or the Office of the Dean will consult counselors with expertise in alcohol abuse and alcoholism if such expertise is deemed relevant.

JSAAPP is composed of one member of Students' Council, one member of Honor Council, and one member of the Women\*s Center who are appointed by their respective bodies at the beginning of each semester; one representative from each of the freshman, sophomore, junior, and senior classes, two representatives from the Office of the Dean of the College, and a chair or two co-chairs. The Chair(s) and elected positions for class representatives will be year-long positions. Honor Council or Students' Council members, if elected and then appointed for consecutive semesters, may remain on JSAAPP for the entire year if desired. The election of the JSAAPP Chair(s) will follow the procedures set forth in Section 5.08 of the Constitution of the Haverford College Students' Association (entitled "Nomination and Election of the Students' Council"). The election of JSAAPP class representatives will follow the procedures for Fall Honor Council elections, except that all positions are year- long terms. If there is ever a vacancy in any class representative position, JSAAPP will ask the Appointments Committee of Students' Council to appoint a member of the appropriate class to fill the vacancy.

#### Article V

Coordinators of parties and other social events must abide by the party policy of the host campus.

It is expected that hosts will inform their guests of relevant provisions of the Honor Code and the Alcohol Policy. Should the provisions of the Alcohol Policy be violated by non-College members, their continued access to this campus may be restricted.

Faculty and staff members who entertain students should be aware of the responsibilities and risks to the College and to themselves as individual social hosts under the laws of the Commonwealth of Pennsylvania.

If the Party Guidelines are not followed either by guests or hosts, it is the obligation of students aware of the violation to approach those in violation and seek a resolution.

#### Article VI

As with the Honor Code, the students of the community need to reaffirm their commitment to the Alcohol Policy to demonstrate that they accept both the freedom and privileges regarding alcohol consumption and the responsibilities that it entails. The Policy shall be

re-ratified every year, and it may be amended at any Plenary. Amendments to the Policy may be proposed by any member of the Students' Association. Amendments will be passed by a two-thirds vote of the total attendance at Plenary. A two-thirds majority vote of those at Plenary shall be necessary for final ratification of the entire Policy. The final text of the Policy shall be immediately forwarded to the President and Dean of the College for presentation to and approval by the Board of Managers.

### **Services and Referrals**

Haverford College provides services and referral for individuals who need help with an alcohol-related problem. For confidential assistance, contact:

**Health Center** at 610-896-1089 or **CAPS** at 484-301-0434 for counseling and subsequent referral.

### **Disciplinary Policies**

Any student who fails to comply with local, state or federal laws may be subject to discipline under the Honor Code. Sanctions can include, but are not limited to, a disciplinary probation, and withdrawal of privileges, suspension, and expulsion. When a student's presence on campus is considered a threat to order, health or safety, the Dean or a designee may impose a mandatory leave of absence or conditions on the student's attendance.

For additional information about alcohol and other drugs, including resources available to Haverford students and the effects of alcohol and drug use, see:

[www.haverford.edu/health-services/resources#drugs-and-alcohol](http://www.haverford.edu/health-services/resources#drugs-and-alcohol)

### **Drug Policy**

Introduction: It has also become increasingly evident that the routes to assistance for students with drug-related problems at Haverford and Bryn Mawr Colleges are unclear and often misunderstood. This document attempts to clarify the kinds of resources available in the bi-college community, as well as to define the Colleges' policy on drugs. The Colleges are neither law enforcement agencies nor sanctuaries from the larger society and its laws. The drug policy, therefore, in conjunction with planned educational activities and support services, is designed to achieve the following goals:

1. To remind students that the Social Honor Codes, the federal laws and the laws of the Commonwealth of Pennsylvania do apply to their behavior with respect to the use of drugs;
2. To stress individual accountability for those who choose to use illegal drugs;
3. To maintain a bi-college community where the harmful effects of drug use can be

minimized;

4. To inform the members of the bi-college community of the availability of confidential and effective guidance and resources for those with questions and concerns related to drug use, dependence and abuse;
5. To encourage all members of the bi-college community to become familiar with the physiological, psychological and legal aspects of drug use, dependence and abuse.

All members of the bi-college community are expected to be familiar with and abide by the principles of the Drug Policy. This policy stresses prevention and concern; it charges the community with the responsibility for drug education, intervention and heightened awareness of campus resources for dealing with drug problems. It also asks us to consider the relationship between the individual and the community, and the question of responsibility to one's peers. In many cases, choosing not to intervene in another person's abuse of drugs is not a neutral position. By not interfering, we become "an enabler". In claiming to allow abusers their individual freedom of choice, we may in fact be limiting their choices by reinforcing their attitudes and behavior. In summary, we have a responsibility not to withdraw from the community either by abusing drugs or by ignoring the abuse of drugs.

Pennsylvania State Law Narcotics violations are felonies under Pennsylvania law, and the penalties are severe. Pennsylvania's version of the Uniform Controlled Substance Act (a model act which the various states have incorporated into their own codes under different names) is called the "Controlled Substance, Drug, Device and Cosmetic Act". It was originally passed in 1972 and subsequently amended.

The Act, 35 PaC.S. 780 101 et seq., has a schedule of controlled substances and prohibits the sale, use, possession, administering, making, concealing, giving and delivering of the named controlled substances. The Act includes as prohibited and controlled substances marijuana, hashish, cocaine, heroin, opiates, PCP, LSD and other psychedelics, amphetamines, tranquilizers and virtually any form of "street drug". Copies of this act are available at the Reserve Desk of Canaday and Magill Libraries, and in the Dean's Offices of Bryn Mawr and Haverford Colleges.

#### THE POLICY:

1. The illegal possession, use, sale, or distribution of drugs is in violation of the law, and the Colleges will not protect students from prosecution under federal, state, or local law.
2. Students have the responsibility to confront and/or intervene on the behalf of individuals whose use of drugs or actions under the influence of drugs presents a danger to themselves and/or to the community at large.
3. The Colleges as educational institutions, being concerned about the harmful effects of the illegal use, possession, sale, or distribution of drugs on the individual, and on the integrity, safety and security of this academic community, do not condone the illegal use, possession, sale, or distribution of drugs. The administrations of Haverford and

Bryn Mawr Colleges reserve the right to act when they have reason to believe that involvement with drugs is having an adverse effect upon the life and/or academic performance of students or adversely affects or legally implicates others in the academic community. College action may take such forms as education, counseling, referral to outside agencies, separation, or exclusion, depending on the situation.

Procedures: A student's response to a violation of the bi-college drug policy should be governed, first of all, by the care and concern for other individuals which are embodied in the Social Honor Codes. The following guidelines are not meant to cover all situations. They are intended, instead, to remind students of the variety of resources available and to reassure them about the consequences of seeking help. When a student is concerned about another student's drug use and its self-destructive potential, he or she should express his or her concern and, if appropriate, encourage that student to seek confidential help from one of the counselors, nurses, or physicians on either campus or from a professional off-campus. If confrontation does not seem appropriate or proves ineffective, the concerned individuals should turn to one of the peer educators, a counselor, or dean for advice on how to intervene and help. Advice may be sought without revealing the identity of the student needing help, if that seems best. If a student's behavior as a result of drug use has disturbed or harmed other individuals or the community in a more general sense, the behavior itself should be dealt with through the usual Honor Code procedure at the appropriate college, beginning with confrontation. If mediation is necessary, the members of the Bryn Mawr Honor Board or the Haverford Honor Council should be consulted. The drug use which may have caused the behavior should not be viewed as an excuse, but as a second problem for which the individual may be encouraged to seek help from a professional counselor. In cases where the Honor Council or Board is asked to intervene, they will deal with the specific behavior which has been brought to them and may recommend that the individual go to a counselor for evaluation and help with any underlying substance abuse. Problems with behavior related to drug use which involve Bryn Mawr graduate students or special students who are not bound by the social Honor Code should be referred to the Dean of the Graduate School or the Director of the Division of Special Academic Programs if they cannot be resolved by the individual concerned. If an individual's involvement with drugs is such that it, or behavior associated with it, is violent or life-threatening, it should be brought to the attention of a dean or college physician without delay by any member of the community who becomes aware of the situation. Thus, a counselor, peer educator, dean, physician or an Honor Board/Council member who was working with a student or any aspect of his or her involvement with drugs would, as in any other life-threatening situation, feel bound to report the problem to the Dean of the appropriate college when the potential for violence or loss of life requires immediate administrative action. Some cases, such as drug sale and distribution, may not present immediate danger to life but may have legal implications which are administrative concerns. In these situations, joint action by the Dean and the Honor Board/Council may be necessary.

For additional information about alcohol and other drugs, including resources available to Haverford students and the effects of alcohol and drug use, see:

## **Policy on Drug-Free Schools**

### **The Drug Free Schools and Communities Act of 1989**

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. A person of 18 years of age or older who is convicted in any court of the Commonwealth of Pennsylvania of a violation of the Controlled Substance, Drug, Device and Cosmetic Act, shall, if the **delivery or possession with the intent to deliver** the controlled substance occurred within 1,000 feet of 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 shall be sentenced to a minimum sentence of at least two years of total confinement (up to four years).

The unlawful possession, use, or distribution of illicit drugs or alcohol poses a threat to the health and safety of all members of the Haverford College community and is not permitted.

The sanctions for the unlawful possession, use, or distribution of illicit drugs and alcohol are defined in the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act (35 Pa. C.S. Sections 780-101 to 780-144); the Pennsylvania Crimes Code (18 Pa. C.S. Sections 6307-6314); Controlled Substances Forfeitures (42 Pa. C.S. Sections 6801-6802); the Pennsylvania Motor Vehicle Code (75 Pa. C.S. Sections 1546-1547; 3715, 3731); the Haverford Township Code (Article II, Sections 126-14 and 126-17); and the Lower Merion Code (Article IV, Section 111-4).

The College's policies on disciplinary sanctions for students, faculty and staff members unlawfully possessing, using, or distributing illicit drugs or alcohol are stated in the appropriate handbooks.

This policy is instituted effective immediately, to comply with the Drug Free Schools and Communities Act of 1989 (P.L. #101-226). No institution will receive federal financial assistance of any kind after October 1, 1990, unless it has certified that it has "adopted and implemented a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees."

The College will conduct a biennial review of its program to determine its effectiveness, implement needed changes, and ensure that it is consistently enforced.

### **Policy on Drugs and Alcohol - Employees**

The College has instituted this policy, and implemented programs, in compliance with the federal **Drug-Free Workplace Act of 1988**, which has been in effect since March 18, 1989. The aim of this policy is to ensure a safe, drug and alcohol-free environment for the Haverford College community.

## **Health Risks**

Health, safety, and well-being are potentially jeopardized whenever an employee possesses, uses, or is under the influence of drugs or alcohol while on the College's property, in its vehicles, or engaged in College activities. Both judgment and productivity can be adversely affected; a wide range of serious illnesses and injuries may result from use of drugs and/or alcohol.

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.

Alcohol is a central nervous system depressant that is absorbed into the bloodstream and transmitted to all parts of the body. Moderate doses reduce physical coordination and mental alertness while larger doses of alcohol drastically impair an individual's ability to function, sometimes rendering them unconscious. Long-term drinking can increase the risk of developing liver and heart disease, circulatory and stomach problems, various forms of cancer and causes irreversible brain damage.

## **Standards of Conduct**

The College prohibits, while on College property or as part of any College activity:

- the unlawful use or misuse of alcohol
- the unlawful use, possession, dispensation, distribution, or manufacture of controlled substances, as defined in federal statutes
- being under the influence of a controlled substance, as defined in federal statutes

Coming to work, working, or attempting to work under the influence of alcohol or a controlled substance is strictly prohibited. Engaging in any activity—whether on or off the job—that involves an unlawful controlled substance is a violation of this policy.

Generally, this policy does not prohibit employees from the lawful use and possession of prescribed or over-the-counter medications. Employees must, however, consult with their medical providers about the effect of any medication being used on their fitness for duty and ability to work or work safely, and they must promptly disclose any work restrictions to human resources. Where possible, the College may alter an employee's work assignment, make other work arrangements, or otherwise reasonably accommodate use while the employee is taking the medication.

The College complies with the Pennsylvania Medical Marijuana Act. Under that law, the use of marijuana is legal for certain limited medicinal purposes but remains illegal under federal law. While the College will not discriminate or retaliate against an individual based solely on the person's status as an individual certified under state law to use medical marijuana, the possession, use, or being under the influence of medical marijuana on the premises (excluding private residences on the College campus) or in the workplace, as well as working under the influence when conduct falls below the standard normally accepted by the College for the job, are strictly prohibited.

## **Legal Sanctions**

The legal sanctions for the unlawful possession, use, or distribution of illicit drugs are different than the sanctions governing alcohol. They may vary from fines for first-time misdemeanor offenses involving simple possession of certain substances to felony counts and multiple-year terms of imprisonment for more serious violations.

The unlawful possession of less than 30 grams of marijuana or less than eight grams of hashish, for example, is a misdemeanor and may carry a maximum jail sentence of 30 days and/or a fine of \$500. The manufacture, delivery or possession with intent to manufacture or deliver heroin and other narcotics is a felony and carries a maximum jail sentence of 15 years and/or \$250,000 fine.

A more complete summary of penalties related to alcohol and illicit drugs may be found online at the U.S. Drug Enforcement Administration and the Pennsylvania Liquor Control Board.

(These legal sanctions are in effect in the Commonwealth of Pennsylvania as of July 2010.)

### **Counseling and Treatment Programs**

Individuals who voluntarily wish to seek referral for counseling concerning, or treatment of, substance abuse problems are encouraged to consult with the College's Health Services or Psychological Services Offices, or to contact any of the following organizations for assistance:

- Carebridge
- Independence Blue Cross
- Alcoholics Anonymous
- Rehab After Work
- Substance Abuse and Mental Health Services Administration

An employee's decision to seek counseling will not excuse appropriate disciplinary action for violation of this or other College policies. The Office of Human Resources will consider requests for unpaid leaves of absence of up to one month for employees who are seeking residential treatment for substance abuse problems.

### **Disciplinary Action**

Violations of this policy may result in discipline, up to and including termination of employment, even for a first offense. Violations may also be reported to appropriate legal authorities. Information about the legal sanctions associated with the unlawful use, possession, distribution, dispensation, and/or manufacture of a controlled substance is contained in summaries of federal and state law available in the Office of Human Resources.

Any supervisor who suspects that a violation of this policy has occurred should consult with the Office of Human Resources to determine the appropriate action to be taken. Such action may include:

- directing the employee to the to the Employee Assistance Program (EAP) for counseling and subsequent referral and/or

- imposing discipline, up to and including termination, depending upon the relevant circumstances.

In cases where possession, dispensation, distribution, or manufacture is suspected, the Campus Safety Department should be contacted concerning the possible need for a formal investigation. The College also reserves the right to require that an employee submit to substance abuse/alcohol testing as a condition of continued employment.

Pursuant to federal law, the College will take one of the following actions within 30 days of receiving notice that an employee has been convicted under any criminal drug statute for a workplace violation:

- Appropriate personnel action, up to and including termination, or
- Requiring that such employee participate satisfactorily in a drug-abuse assistance or rehabilitation program.

In addition, employees are required, as a condition of employment, to abide by this policy and inform the College within five days if they are convicted of a drug violation. Such convictions must be reported by the College to any appropriate federal contractor or grantor within ten days.

## **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 of a small amount of marijuana 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.

### Health Risks Associated with the Use of Illicit Drugs

Drugs	Physical Dependence	Psychological Dependence	Possible Effects	Effects of Overdose	Withdrawal Syndrome
<b>Narcotics</b>					
Heroin	High	High	Euphoria Drowsiness Respiratory depression Constricted pupils Nausea	Slow and shallow breathing Clammy skin Convulsions Coma Possible death	Yawning Loss of appetite Irritability Tremors Panic Cramps Nausea Runny Nose Chills and sweating Watery eyes
Morphine	High	High			
Codeine	Moderate	Moderate			
Hydrocodone	High	High			
Hydromorphone	High	High			
Oxycodone	High	High			
Methadone, LAAM	High	High			
Fentanyl and Analogs	High	High			
Other Narcotics	High-Low	High-Low			
<b>Depressants</b>					
Chloral Hydrate	Moderate	Moderate	Slurred Speech Disorientation Drunken behavior without the odor of alcohol	Shallow respiration Clammy skin Dilated pupils Weak and rapid pulse Coma Possible death	Anxiety Insomnia Tremors Delirium Convulsions Possible death
Barbiturates	High-Moderate	High-Moderate			
Benzodiazepines -	Low	Moderate			
Glutethimide	High	Moderate			
Other Depressants	Moderate	Moderate			

Stimulants

Cocaine	Possible	High	Increased alertness Euphoria Increased pulse rate and blood pressure Excitation Insomnia Loss of appetite	Agitation Increased body temperature Hallucinations Convulsions Possible death	Apathy Long periods of sleep Irritability Depression Disorientation
Amphetamine/Methamphetamine	Possible	High			
Methylphenidate	Possible	High			
Other Stimulants	Possible	High			

Cannabis

Marijuana	Unknown	Moderate	Euphoria Relaxed inhibitions Excitation Increased appetite Disorientation	Fatigue Paranoia Possible psychosis	Occasional reports of insomnia Hyperactivity Decreased appetite
Tetrahydrocannabinol -	Unknown	Moderate			
Hashish and hashish oil	Unknown	Moderate			

Hallucinogens

LSD	None	Unknown	Illusions and hallucinations Altered perception of time and distance	Longer, more intense "trip" episodes Psychosis Possible death	Unknown
Mescaline and Peyote	None	Unknown			
Amphetamine Variants	Unknown	Unknown			
Phencyclidine and Analogs	Unknown	High			
Other Hallucinogens	None	Unknown			

**Summary of Pennsylvania Statutes Relating to Unlawful Sale, Possession, Use,  
Manufacture or Distribution of Illicit Drugs or Alcohol**

Statute	Offense	Possible sanctions
18 Pa. CS 6307	Misrepresentation of age to secure alcohol	\$500 and suspension of operating privileges
18 Pa. CS 6308	Purchase, consumption, possession or transportation of alcohol by a person under 21 years of age	\$500 and suspension of operating privileges
18 Pa. CS 6309	Representing that a minor (under 21) is of age	\$300
18 Pa. CS 6310	Inducement of minors (under 21) to buy alcohol	\$300
18 Pa. CS 6310.1	Selling or furnishing alcohol to a minor (under 21)	\$1,000-2,500
18 Pa. CS 6310.2	Manufacture or sale of false ID card	\$1,000-2,500
18 Pa. CS 6310.3	Possession, carrying or use of false ID card	\$500 and suspension of operating privileges (or ineligibility to obtain a license)
18 Pa. CS 6310.4	Violation of 6307, 6308 or 6310.3	Suspension of operating privileges (or ineligibility to obtain a license)
18 Pa. CS 6314	Trafficking drugs to minors (der 18)	Fines from \$5,000-50,000; imprisonment for a minimum of one year, depending on offense
35 PS 780-101 et seq.	Illicit manufacture, sale, delivery, possession of controlled substances	Fines from \$5,000-250,000; imprisonment from 1 to 15 years, depending on offense

42 Pa. CS 6801-2	Illicit manufacture, sale, delivery, possession of controlled substances	Loss of property rights to Commonwealth of all controlled substances, paraphernalia, raw materials, conveyances, money, negotiable instruments and real property acquired in violation of the Controlled Substance, Drug, Device and Cosmetic Act
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<u>42 PS 4-491</u>	<u>Possession, sale or transportation of liquor within Pennsylvania unless purchased from a State Store in accordance with Liquor Control Board Regulations</u>	<u>Fines of varying amount</u>
<u>75 Pa. CS 3715</u>	<u>Consumption of alcohol or drugs while driving</u>	<u>Summary offense fine</u>
<u>75 Pa. CS 3731</u>	<u>Driving under the influence of drugs or alcohol</u>	<u>\$300-5,000 and imprisonment from 48 hours to 1 year; suspension or revocation of operating privileges</u>
<u>63 PS 390-8</u>	<u>Procuring drugs by fraud, forgery, alteration of Rx, etc.</u>	<u>Imprisonment for 3 years, \$5,000 fine, or both</u>

Pennsylvania law imposes “social host” liability on persons who furnish alcohol to individuals under 21 years of age. The Pennsylvania Crimes Code defines “furnish” as “to supply, give, or provide to, or allow a minor to possess on the premises or property owned or controlled by the person charged.”

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	<p>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. Fine of not more than \$5 million if an individual, \$25 million if not an individual.</p> <p>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.</p>	Cocaine 5 kilograms or more mixture	<p>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. Fine of not more than \$10 million if an individual, \$50 million if not an individual.</p> <p>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.</p> <p>2 or More Prior Offenses: Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.</p>
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	
II	PCP 10-99 grams pure or 100-999 grams mixture	PCP 100 grams or more pure or 1 kilogram or more mixture		
<b>Substance/Quantity</b>		<b>Penalty</b>		
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		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.		
Flunitrazepam (Schedule IV) 1 Gram				
Any Amount Of Other Schedule III Drugs		<p>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.</p> <p>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.</p>		
Any Amount Of All Other Schedule IV Drugs (other than one gram or more of Flunitrazepam)		<p>First Offense: Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.</p> <p>Second Offense: Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.</p>		
Any Amount Of All Schedule V Drugs		<p>First Offense: Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.</p> <p>Second Offense: Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.</p>		

Description	Quantity	1st Offense	2nd Offense
Marijuana	1,000 kg or more mixture; 1,000 or more plants	Not less than 10 years, not more than life If death or serious injury, not less than 20 years, not more than life Fine not more than \$4 million individual, \$10 million other than individual	Not less than 20 years, not more than life If death or serious injury, not more than life Fine not more than \$8 million individual, \$20 million other than individual
Marijuana	100 kg to 999 kg mixture; or 100-999 plants	Not less than 5 years, not more than 40 years If death or serious injury, not less than 20 years, not more than life Fine not more than \$2 million individual, \$5 million other than individual	Not less than 10 years, not more than life If death or serious injury, not more than life Fine not more than \$4 million individual, \$10 million other than individual
Marijuana	50 to 99 kg mixture; or 50 to 99 plants	Not more than 20 years If death or serious injury, not less than 20 years, not more than life Fine \$1 million individual, \$5 million other than individual	Not more than 30 years If death or serious injury, not more than life Fine \$2 million individual, \$10 million other than individual
Marijuana	Less than 50 kg mixture	Not more than 5 years Fine not more than	Not more than 10 years Fine \$500,000 individual, \$2 million other than individual
Hashish	10 kg or more	\$250,000 individual, \$1 million other than individual	
Hashish Oil	1 kg or more		

## **Weapons Policy**

The College expressly prohibits the possession, use or distribution of fireworks, explosives, ammunition, firearms, and other weapons such as knives and swords. The College defines firearms as any projectile firing device, especially those that are capable of causing harm to persons or damage to property. This includes but is not limited to conventional firearms (devices using gunpowder), all types of air rifles, BB, pellet and dart guns, any slingshot devices, Tasers or stun guns.

No knives of any kind, with the exception of knives specifically designated for preparing meals, are allowed on campus. This exception applies only for students off the full meal plan, who also live in one of the residential buildings with a kitchen (HCA, 710 College Ave, and the Ira Reid House).

## **Weapons Law Violations**

The violation of laws or ordinances prohibiting the: Manufacture, Sale, Purchase, Transportation, Possession, Concealment, or Use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature. Agencies must include:

- Manufacture, sale, or possession of deadly weapons;
- Carrying deadly weapons, concealed or openly;
- Using, manufacturing, etc. of silencers;
- Furnishing deadly weapons to minors;
- Aliens possessing deadly weapons; and
- Attempts to commit any of the above.

## **Penalties for Gun Carry Violations**

In Pennsylvania, it is a third degree felony to carry a concealed weapon without a permit. Penalties include a fine of up to \$15,000, up to seven years in prison, or both. (18 Penn. Rev. Stat. and Con. Stats. § 1101.)

It is a second-degree felony for a person prohibited from carrying a weapon to do so. Penalties include a fine of up to \$25,000, up to ten years in prison, or both. (18 Penn. Stat. and Con. Stat. § 6105.)

It is a misdemeanor in the first degree to carry a firearm into a court facility. Penalties include a fine of up to \$10,000, up to five years in prison, or both. (18 Penn. Rev. Stat. and Con. Stats. § 913.)

§ 303.10. Guideline sentence recommendations: enhancements.

(a) Deadly Weapon Enhancement.

(1) When the court determines that the offender possessed a deadly weapon during the commission of the current conviction offense, the court shall consider the DWE/Possessed Matrix (§ 303.17(a)).

An offender has possessed a deadly weapon if any of the following were on the offender's person or within his immediate physical control:

- (i) Any firearm, (as defined in 42 Pa.C.S. § 9712) whether loaded or unloaded, or
- (ii) Any dangerous weapon (as defined in 18 Pa.C.S. § 913), or
- (iii) Any device, implement, or instrumentality designed as a weapon or capable of producing death or serious bodily injury where the court determines that the offender intended to use the weapon to threaten or injure another individual.

# **ANNUAL FIRE SAFETY REPORT**

## **FIRE SAFETY**

Fire safety is a major concern of the Campus Safety Department and affects all members of the Haverford community. Each residence hall is equipped with automatic smoke detection systems that report to the Campus Safety Office. In addition, each student's room is equipped with a single station smoke detector. All Haverford College residence halls and Haverford College Apartments are equipped with automatic fire sprinkler systems. Fire sprinklers provide the highest level of life safety protection available. Fire Exit Drills are conducted in each residence hall so that students become familiar with proper building evacuation procedures. The Campus Safety Department employs student Dorm Monitors. The Dorm Monitors conduct weekly inspections of residence halls to check for any fire, safety, or security hazards.

### **Fire Alarms**

It is a violation of the Haverford Township Fire Code and College Policy to interfere with the operation of any fire alarm system. This includes covering or otherwise preventing the proper operation of any smoke detector or fire alarm system.

### **Fire Prevention**

Effective fire prevention occurs only when individuals are aware of the principal causes of fires and take certain simple steps to eliminate them.

For residents' safety, individual rooms are equipped with electrically powered, individual single-station smoke detectors with 9-volt battery backup. If a detector is chirping, it needs a new battery. Batteries are available from Campus Safety anytime. Batteries may be obtained from Campus Safety after business hours. All public spaces in residence halls are equipped with smoke detectors and manual-pull stations, both of which set off the building alarms. These directly alert Campus Safety of the emergency. If the alarm in a student's room is triggered, the building alarms will not activate until either the student uses the pull-station or the smoke from the student's room activates a smoke alarm in the public halls.

### **Cause of Fires**

Fire can exist wherever there are combustible materials and some means of bringing them to kindling temperature. Some of the most common causes of fires at college fires include candles, careless smokers, over-burdened electrical outlets, cooking in dorm rooms, halogen lamps, exposed light bulbs, cigarettes, overloaded extension cords and smoking in bed. At Haverford College, the burning of candles, use of halogen lamps and large electrical appliances are prohibited in College housing.

The use of illegal hot plates, large refrigerators (in dorms without kitchens), and other major electrical appliances can easily overload the electrical system. Only safe, low-wattage appliances may be used in College housing: shavers, lamps, radios, televisions, stereos, computers, electric blankets, thermostatically controlled coffee makers and the like.

Halogen lamps are not allowed. These lamps and exposed light bulbs have been a source of serious fires. Another source of fires has been overloaded electrical outlets caused by using extension cords or gang electrical strips. Students should never crush plugs or wires against electrical outlets with beds or other furnishings.

### **Fire Exit Drills**

Fire Exit Drills are supervised and conducted by the Safety Coordinator and Campus Safety Officers once per semester. The fire drills are announced so that students can plan on participating in the drills. This gives the opportunity for students to become familiar with the sound of the fire alarm horn/strobes and to become familiar with two means of egress from the building. Additionally, one student is asked to be a monitor during the drill. The monitor is asked what steps they would take in the event of a fire in their residence hall and is asked to activate the building alarm system for the drill.

### **Student Housing Fire Alarm and Suppression Systems**

Each student sleeping area is equipped with a 120-volt single station smoke detector (with 9-volt battery back-up). This smoke detector stands alone from the building fire alarm system. Its' purpose is to provide students early warning in the event of a smoke condition in their room.

Residence halls also have common area automatic smoke detection and manual pull stations. Common areas are defined as attics, hallways, suites halls, stairways, living rooms and basements. An activation of this fire alarm system immediately notifies the Campus Safety Dispatcher via a Silent Knight Fire Alarm Receiver System.

Currently, 100% of student sleeping rooms are protected by automatic fire sprinkler systems. In addition to the protection of student sleeping rooms, fire sprinklers also protect residence hall attics, basements, storage and housekeeping rooms, assembly areas, and mechanical rooms.

The following items are not permitted for use in residence halls:

- Open flames of any kind (including candles).
- Halogen lamps
- Hot plates
- Large refrigerators (in dorms without kitchens)
- Or other appliances that require high wattage for operation.

## **Smoking**

Smoking is not permitted in academic buildings, administrative buildings, or designated residence halls.

## **Fire Safety Education and Training**

Fire Safety Education and Training is provided to all first year students as part of their Customs Week orientation, as well as additional training for Customs officers (students with oversight responsibility). Additional training is provided for faculty and students who work or study in the Departments of Biology and Chemistry. Fire safety is an ongoing agenda item in the Safety Committee meetings, and is included in all presentations to new faculty, staff association, summer residents, and administrative and professional staff.

There are a number of Dorm Monitors whose responsibility includes weekly inspections of assigned dorms for fire safety and additional safety deficiencies.

## **Haverford College Campus Safety Department Fire Evacuation Plan**

### **Haverford College Residential Buildings**

If you discover a fire or smoke condition, notify the Campus Safety Department by telephone (610-896-1111) from a safe area within the building or by campus emergency phone. Give the dispatcher your name, location and nature of the fire. If the building fire alarm system is not sounding, activate the nearest fire alarm pull station. Fire alarm pull stations are located within 5 feet of an exit door.

Upon activation of a smoke detector or notification of a fire, all occupants should exit the building at once. Feel the door to your room before opening it. If the door feels hot or smoke is seeping in, do not open it. Seal off the cracks in the door with a coat or blankets and open outside windows for ventilation. Call Campus Safety and explain your situation, giving your name and location. Never jump from windows, especially above the second floor. Signal your location by waving a towel or bed sheet out of your window.

If the door feels cool, open it slowly. Be prepared to slam the door if the hall is full of smoke or heat. If the hall is clear, proceed to the nearest stairs and exit the building. Should you encounter heavy smoke while exiting the building, turn back and find a room that provides a safe area of refuge contact Campus Safety immediately. Become familiar with two escape routes from the building.

If you get caught in smoke or heat, crawl on the floor and take short breaths through your nose until you reach an area of safe refuge.

- Remember to assist any physically challenged persons in your area to safety in the event of an emergency.
- During late night and early morning hours if conditions permit, attempt to wake sound sleepers in your area.
- Once you have left the building, do not return for any reason. Someone from Campus Safety will notify you when it is safe to return to the building.
- Persons evacuating the building should meet in the Designated Meeting Area.

## Fire Safety Systems by Building Locations for Campus Housing

Location	Monitored Alarm	Fire Sprinkler Systems	Fire Alarm and Smoke Detection	Evacuation Drills
Barclay Hall	Yes	All Areas	Yes	2
Cadbury	Yes	All Areas	Yes	2
773 College Ave	Yes	All Areas	Yes	2
710 College Ave.	Yes	All Areas	Yes	2
Comfort Hall	Yes	All Areas	Yes	2
Drinker	Yes	All Areas	Yes	2
Gummere Hall	Yes	All Areas	Yes	2
Ira Reid House	Yes	All Areas	Yes	2
Kim Hall	Yes	All Areas	Yes	2
Jones Hall	Yes	All Areas	Yes	2
La Casa(not occupied)	Yes	All Areas	Yes	0
Leeds Hall	Yes	All Areas	Yes	2
Lloyd Hall	Yes	All Areas	Yes	2
Lunt Hall	Yes	All Areas	Yes	2
Tritton Hall	Yes	All Areas	Yes	2
Yarnall	Yes	All Areas	Yes	2
<b>Haverford College Apartments</b>				
Bldg. 10	Yes	All Areas	Yes	2
Bldg. 11	Yes	All Areas	Yes	2
Bldg. 14	Yes	All Areas	Yes	2
Bldg. 15	Yes	All Areas	Yes	2
Bldg. 18	Yes	All Areas	Yes	2
Bldg. 19	Yes	All Areas	Yes	2
Bldg. 22	Yes	All Areas	Yes	2
Bldg. 23	Yes	All Areas	Yes	2
Bldg. 26	Yes	All Areas	Yes	2
Bldg. 30	Yes	All Areas	Yes	2
Bldg. 31	Yes	All Areas	Yes	2
Bldg. 34	Yes	All Areas	Yes	2
Bldg. 35	Yes	All Areas	Yes	2
Bldg. 38	Yes	All Areas	Yes	2
Bldg. 42	Yes	All Areas	Yes	2
Bldg. 46	Yes	All Areas	Yes	2
Bldg. 50	Yes	All Areas	Yes	2
Bldg. 800	Yes	All Areas	Yes	2
Bldg. 804	Yes	All Areas	Yes	2
Bldg. 808	Yes	All Areas	Yes	2
Bldg. 812	Yes	All Areas	Yes	2

## Campus Fire Log

2017						
Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries Required Treatment	Number of Deaths Related to Fire	Value of Property Damage by Fire
Barclay Hall - Harris Road	0	0	N/A	0	0	N/A
Cadbury - 8 College Lane	0	0	N/A	0	0	N/A
710 College Ave	0	0	N/A	0	0	N/A
Comfort Hall - Carter Road	0	0	N/A	0	0	N/A
Drinker Hall - Walton Road	0	0	N/A	0	0	N/A
Gummere Hall - Walton Road	0	0	N/A	0	0	N/A
Ira Reid House - Coursey Road	0	0	N/A	0	0	N/A
Kim Hall - Coursey Road	0	0	N/A	0	0	N/A
Jones Hall - Harris Road	0	0	N/A	0	0	N/A
LaCasa - 500 Oakley Road	0	0	N/A	0	0	N/A
Leeds Hall - Walton Road	0	0	N/A	0	0	N/A
Lloyd Hall - Harris Road	0	0	N/A	0	0	N/A
Lunt Hall - Carter Road	0	0	N/A	0	0	N/A
Tritton Hall - Carter Road	0	0	N/A	0	0	N/A
Yarnall - 500 Panmure Road	0	0	N/A	0	0	N/A
773 College Ave.	0	0	N/A	0	0	N/A
<b>Haverford College Apartments</b>						
10 Hannum Dr.	0	0	N/A	0	0	N/A
11 Hannum Dr.	0	0	N/A	0	0	N/A
14 Hannum Dr.	0	0	N/A	0	0	N/A
15 Hannum Dr.	0	0	N/A	0	0	N/A
18 Hannum Dr.	0	0	N/A	0	0	N/A
19 Hannum Dr.	0	0	N/A	0	0	N/A
22 Hannum Dr.	0	0	N/A	0	0	N/A
23 Hannum Dr.	0	0	N/A	0	0	N/A
26 Hannum Dr.	0	0	N/A	0	0	N/A
30 Hannum Dr.	0	0	N/A	0	0	N/A
31 Hannum Dr.	0	0	N/A	0	0	N/A
34 Hannum Dr.	0	0	N/A	0	0	N/A
35 Hannum Dr.	0	0	N/A	0	0	N/A
38 Hannum Dr.	0	0	N/A	0	0	N/A
42 Hannum Dr.	0	0	N/A	0	0	N/A
46 Hannum Dr.	1	1	Unintentional/ Oven Fire/ Food	0	0	\$300.00
50 Hannum Dr.	0	0	N/A	0	0	N/A
800 Ardmore Ave.	0	0	N/A	0	0	N/A
804 Ardmore Ave.	0	0	N/A	0	0	N/A
808 Ardmore Ave	0	0	N/A	0	0	N/A
812 Ardmore Ave	0	0	N/A	0	0	N/A

2018						
Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries Required Treatment	Number of Deaths Related to Fire	Value of Property Damage by Fire
Barclay Hall - Harris Road	0	0	N/A	0	0	N/A
Cadbury - 8 College Lane	0	0	N/A	0	0	N/A
710 College Ave	0	0	N/A	0	0	N/A
Comfort Hall - Carter Road	0	0	N/A	0	0	N/A
Drinker Hall - Walton Road	0	0	N/A	0	0	N/A
Gummere Hall - Walton Road	1	1	Defective Light Fixture	0	0	\$2,500.00
Ira Reid House - Coursey Road	0	0	N/A	0	0	N/A
Kim Hall - Coursey Road	0	0	N/A	0	0	N/A
Jones Hall - Harris Road	1	1	Undetermind Cause / Trash Can	0	0	\$100.00
LaCasa - 500 Oakley Road	0	0	N/A	0	0	N/A
Leeds Hall - Walton Road	0	0	N/A	0	0	N/A
Lloyd Hall - Harris Road	0	0	N/A	0	0	N/A
Lunt Hall - Carter Road	0	0	N/A	0	0	N/A
Tritton Hall - Carter Road	0	0	N/A	0	0	N/A
Yarnall - 500 Panmure Road	0	0	N/A	0	0	N/A
773 College Ave.	0	0	N/A	0	0	N/A
<b>Haverford College Apartments</b>						
10 Hannum Dr.	0	0	N/A	0	0	N/A
11 Hannum Dr.	0	0	N/A	0	0	N/A
14 Hannum Dr.	0	0	N/A	0	0	N/A
15 Hannum Dr.	0	0	N/A	0	0	N/A
18 Hannum Dr.	0	0	N/A	0	0	N/A
19 Hannum Dr.	0	0	N/A	0	0	N/A
22 Hannum Dr.	0	0	N/A	0	0	N/A
23 Hannum Dr.	0	0	N/A	0	0	N/A
26 Hannum Dr.	0	0	N/A	0	0	N/A
30 Hannum Dr.	0	0	N/A	0	0	N/A
31 Hannum Dr.	0	0	N/A	0	0	N/A
34 Hannum Dr.	0	0	N/A	0	0	N/A
35 Hannum Dr.	0	0	N/A	0	0	N/A
38 Hannum Dr.	0	0	N/A	0	0	N/A
42 Hannum Dr.	0	0	N/A	0	0	N/A
46 Hannum Dr.	0	0	N/A	0	0	N/A
50 Hannum Dr.	0	0	N/A	0	0	N/A
800 Ardmore Ave.	1	1	Unintentional/ Oven Fire/ Food	0	0	No Damage
804 Ardmore Ave.	0	0	N/A	0	0	N/A
808 Ardmore Ave	0	0	N/A	0	0	N/A
812 Ardmore Ave	0	0	N/A	0	0	N/A

2019						
Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries Required Treatment	Number of Deaths Related to Fire	Value of Property Damage by Fire
Barclay Hall - Harris Road	0	0	N/A	0	0	N/A
Cadbury - 8 College Lane	0	0	N/A	0	0	N/A
710 College Ave	0	0	N/A	0	0	N/A
Comfort Hall - Carter Road	0	0	N/A	0	0	N/A
Drinker Hall - Walton Road	0	0	N/A	0	0	N/A
Gummere Hall - Walton Road	0	0	N/A	0	0	N/A
Ira Reid House - Coursey Road	0	0	N/A	0	0	N/A
Kim Hall - Coursey Road	0	0	N/A	0	0	N/A
Jones Hall - Harris Road	0	0	N/A	0	0	N/A
LaCasa - 500 Oakley Road	0	0	N/A	0	0	N/A
Leeds Hall - Walton Road	0	0	N/A	0	0	N/A
Lloyd Hall - Harris Road	0	0	N/A	0	0	N/A
Lunt Hall - Carter Road	0	0	N/A	0	0	N/A
Tritton Hall - Carter Road	0	0	N/A	0	0	N/A
Yarnall - 500 Panmure Road	0	0	N/A	0	0	N/A
773 College Ave.	0	0	N/A	0	0	N/A
Haverford College Apartments						
10 Hannum Dr.	0	0	N/A	0	0	N/A
11 Hannum Dr.	0	0	N/A	0	0	N/A
14 Hannum Dr.	0	0	N/A	0	0	N/A
15 Hannum Dr.	0	0	N/A	0	0	N/A
18 Hannum Dr.	0	0	N/A	0	0	N/A
19 Hannum Dr.	0	0	N/A	0	0	N/A
22 Hannum Dr.	0	0	N/A	0	0	N/A
23 Hannum Dr.	0	0	N/A	0	0	N/A
26 Hannum Dr.	0	0	N/A	0	0	N/A
30 Hannum Dr.	0	0	N/A	0	0	N/A
31 Hannum Dr.	0	0	N/A	0	0	N/A
34 Hannum Dr.	0	0	N/A	0	0	N/A
35 Hannum Dr.	0	0	N/A	0	0	N/A
38 Hannum Dr.	0	0	N/A	0	0	N/A
42 Hannum Dr.	0	0	N/A	0	0	N/A
46 Hannum Dr.	0	0	N/A	0	0	N/A
50 Hannum Dr.	0	0	N/A	0	0	N/A
800 Ardmore Ave.	0	0	N/A	0	0	N/A
804 Ardmore Ave.	0	0	N/A	0	0	N/A
808 Ardmore Ave	0	0	N/A	0	0	N/A
812 Ardmore Ave	0	0	N/A	0	0	N/A

**IN CASE OF FIRE  
ALERT THE RESIDENTS  
EVACUATE THE BUILDING  
CALL CAMPUS SAFETY  
(610) 896-1111**