Gettysburg College

General Standards of Conduct

Gettysburg College is committed to operating with integrity and in compliance with all applicable federal and state laws, regulations and policies. Additionally, all employees are expected to always conduct themselves honestly and with a high degree of personal integrity. The mutual respect and collegiality that is gained as a result of adherence to these high standards encourages a positive and productive work environment. This not only involves sincere respect for the rights and feelings of others but also requires that employees refrain from behavior that might be harmful to themselves, their coworkers and the College or might be viewed unfavorably by the public in both their professional and personal lives. To maintain the integrity of Gettysburg College and to protect the rights of its employees, its students, and the College itself, employees are expected to conduct themselves honestly, professionally, and ethically at all times.

To make the College a safe and pleasant place to work, every employee is expected to observe certain standards of conduct, which have been established in the best interest of our employees, our students, visitors, and the College. Individuals associated with Gettysburg College are expected to act ethically and with a high degree of integrity.

Certain conduct is of such serious nature that immediate dismissal may be warranted without prior warning or discipline. Examples of such conduct are as follows: gross insubordination; dishonesty; stealing property or merchandise belonging to the College, its suppliers, students, or other employees; private financial relations with customers or suppliers; deliberate damage to College property; failure or refusal to carry out a work assignment; fighting; falsifying or causing to be falsified information on an employment application, time card, or other College documents; unlawful possession, use or distribution of alcohol; intoxication; the illegal use, sale, manufacture, possession or distribution of drugs or narcotics; sexual misconduct, other inappropriate sexual conduct, illegal harassment and/or discrimination; the possession or use of firearms or other weapons on College premises including in your own vehicles; or the use or threat of violence.

The specific conduct described in this section does not include all the grounds for discipline or discharge. These descriptions are intended as illustrations of the type of conduct that must be avoided for the good of our employees, our students, visitors, and the College.

Because these rules are essential to our most important function - high quality service to our students - and the efficient operation of our business, the provisions of this policy will be
promptly and uniformly enforced. We appreciate the cooperation of every employee in the careful observance of these standards of conduct.

**Harassment and Discrimination-Free Workplace**

**Introduction**

Gettysburg College is committed to ethics, integrity and high standards. We wish to create an environment that is conducive to learning for all students and a professional workplace free from harassment and discrimination for its employees. Gettysburg College will not tolerate harassment or discrimination on the basis of sex, race, color, national origin, age, religion, disability, sexual orientation, gender identity, gender expression, or any other trait or characteristic protected by any applicable federal, state, or local law or ordinance. Harassment or discrimination on the basis of sex or any other protected characteristic may affect the terms and conditions of employment or interfere with a student’s work or academic performance and create an intimidating or hostile environment for that employee or student. As such, harassment or discrimination on the basis of any protected trait or characteristic is contrary to the values of Gettysburg College, is a violation of College policy applicable to faculty, administration, and staff and is a violation of the Student Code of Conduct.

**Section I: Employee and Student Sexual Harassment, Sexual Misconduct, Dating Violence, Domestic Violence, Stalking, and Sexually Inappropriate Behavior**

All members of Gettysburg College have the right to work and study in an environment free of discrimination, including freedom from sexual harassment, sexual misconduct, dating violence, domestic violence, stalking and other sexually inappropriate behavior. The intent of this policy is to foster responsible behavior in a working and academic environment free from discrimination and harassment. Thus, Gettysburg College strongly disapproves of and forbids the sexual harassment of employees or students, and will not tolerate sexual assault, sexual misconduct, dating violence, domestic violence, stalking, and other sexually inappropriate behavior.

Sexual harassment, sexual misconduct, dating violence, domestic violence, stalking and other sexually inappropriate behavior as defined in Section II of this policy is prohibited when it involves any member of the campus community:

- towards a faculty member or employee by a faculty member or employee
• towards a student by a faculty member or employee
• towards a faculty member or employee by a student
• towards a student by a student
• towards a faculty member or employee or student by a visitor or guest of the College.

All members of the faculty, administration and support staff who have information regarding, are witness to, or become aware of by any means any form of sexual harassment, sexual misconduct, inappropriate sexual behavior, dating violence, domestic violence, stalking and/or criminal activity, are required to report the incident. Information on how to make a report can be found below in Section IV, Reporting of Prohibited Conduct, Harassment and Discrimination Violations.

Section II: Other Forms of Harassment/Discrimination

Employees are expected to maintain the highest degree of professional behavior. All harassment or discrimination by employees is strictly prohibited. Further, harassing or discriminatory behavior of non-employees directed at College employees or students also is condemned and will be promptly addressed.

Discrimination occurs when race, color, national or ethnic origin, sex, sexual orientation, gender identity or expression, marital status, disability, religion, veteran status, age or any protected status is used as (inappropriate) irrelevant criteria for action. Discrimination is particularly condemned when it exploits and jeopardizes the trust that should exist among members of an educational institution. To preserve a work and study atmosphere that fosters such trust, the College affirms the principle that students, faculty, and staff must be treated equitably and evaluated on the basis of merit rather than irrelevant criteria. When a person intentionally or inadvertently abuses the power and authority inherent in his or her position, there can be negative consequences both to the individuals involved as well as to the educational and working environment of the College.

Discrimination also includes harassment. Harassment may be based on a person’s race, color, national or ethnic origin, sex, sexual orientation, gender identity or expression, marital status, disability, religion, veteran status, age or any protected status. It includes a wide range of abusive and humiliating verbal or physical behaviors that are directed against a particular person or persons. In some cases, the conduct may be such that it is clear that it is directed against a particular person or persons, even though the person(s) may not be explicitly identified.

Examples of unacceptable behavior include, but are not limited to, the following:

• physical, emotional, or mental abuse

• racial, religious, ethnic, or gender-based or sexual insults

Approved by the Board of Trustees on May 2, 2015
General Standards of Conduct
Page 3 of 22
• derogatory ethnic, religious, or sexual jokes or slurs

• unwelcome sexual comments or advances

• taunting intended to provoke an employee

• requests for sexual favors used as a condition of employment or affecting any personnel decisions such as hiring, promotion, or compensation

• unwanted physical contact such as pinching, grabbing, rubbing, etc stalking, bullying, cyber-bullying, etc.

All members of the faculty, administration and support staff who have information regarding, are witness to, or become aware of by any means any form of harassment or discrimination are required to report the incident. Information on how to make a report can be found below in Section IV, Reporting of Prohibited Conduct, Harassment and Discrimination Violations.

Section III: Prohibited Conduct and Policy Definitions

In addition to discrimination, this policy prohibits “Sexual Misconduct” and “Relationship Violence,” broad categories encompassing the conduct defined below. Sexual Misconduct and Relationship Violence can be committed by anyone and can occur between people of the same or of different gender. For purposes of this policy, the various forms of prohibited Sexual Harassment are referred to as “Sexual Misconduct.”

Prohibited conduct includes:

Sexual Misconduct:

• Sexual Harassment
• Sexual Assault
• Sexual Exploitation
• Stalking
• Retaliation
• Complicity
• Harassment, Harm to Others, and Harassing Conduct

Relationship Violence:

• Domestic Violence
• Stalking
• Dating Violence/Intimate Partner Violence

Sexual Harassment

Sexual Harassment can be a single, serious incident or a series of related, repeated incidents. Sexual harassment is defined as unwelcome conduct of a sexual nature (verbal or physical conduct) when the conduct:

• is reasonably perceived as creating an intimidating or hostile work, learning or living environment,
• unreasonably interferes with, denies or limits someone’s ability to participate in or benefit from any educational program and/or activities,
• submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
• submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals, or
• such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment.

In addition to the above, specific types of sexual harassment constituting violations of this policy include:

Sexual Assault: Having or attempting to have sexual intercourse or oral sex, without Consent. Sexual intercourse means anal or vaginal penetration by a penis, tongue, finger, or inanimate object.

Non-Consensual Sexual Contact: Any intentional sexual touching or attempted sexual touching, without Consent.

Sexual Exploitation: An act attempted or committed by a person for sexual gratification, financial gain, or other advancement through the abuse or exploitation of another person’s sexuality. Examples of sexual exploitation include, but are not limited to, non-consensual observation of individuals who are undressed or engaging in sexual acts, non-consensual audio- or video recording or streaming of sexual activity, prostituting another person, and allowing others to observe a personal consensual sexual act without the knowledge or consent of all involved parties.

Coercion: The use or attempted use of pressure and/or oppressive behavior, including express or implied threats, intimidation, or physical force such that the application of pressure or oppression causes the recipient of the behavior to engage in unwanted sexual activity. Coercion includes administering or pressuring another to consume a drug, intoxicant, or similar
substance with the intent to impair that person’s ability to consent prior to engaging in sexual activity.

**Complicity:** Assisting, facilitating, or encouraging the commission of a violation of the Sexual Misconduct and Relationship Violence Policy.

**Harm to Others:** Physical violence including (but not limited to) physical abuse, assault, threats of violence, striking, shoving or subjecting another person to unwanted physical contact.

**Harassing Conduct:** Intentionally or recklessly endangering, threatening, or causing emotional harm to any person. This may also include causing physical damage to their property.

**Harassment:** Harassment includes any written, verbal or physical acts (including electronically transmitted acts) that is reasonably perceived as creating an intimidating or hostile work, learning or living environment, particularly if questionable behavior is repeated and/or if it continues after the offending party is informed of the objectionable and/or inappropriate nature of the behavior. Harassment can be a single incident, or a series of repeated incidents.

**Sexually Inappropriate Behavior:** Conduct that is rude, obscene or sexually suggestive gestures or communication. Public masturbation, disrobing or exposure of one’s self to another person without that person’s consent is one example. This may be an isolated occurrence.

**Relationship Violence**

Relationship Violence is a violation of this policy and is defined as:

**Domestic Violence:** Knowingly, intentionally, or recklessly causing or attempting to cause bodily injury, physical or sexual assault, abuse, placing another in reasonable fear of serious bodily injury, engaging in repetitive conduct toward a certain person that puts them in fear of bodily injury, restraining another’s liberty or freedom of movement, or stalking where such conduct is directed against the Complainant by an individual’s current or former spouse, household member, intimate partner or any other person from whom the Complainant is protected under federal or Pennsylvania law.

Pennsylvania law defines domestic abuse as knowingly, intentionally or recklessly causing bodily injury of any kind, causing fear of bodily injury of any kind, assault (sexual or not sexual), rape, sexually abusing minor children, or knowingly engaging in a repetitive conduct toward a certain person that puts them in fear of bodily injury. These acts can take place between family or household members, sexual partners or those who share biological parenthood in order to qualify as domestic abuse.
Stalking: Repeated acts or communications directed toward another person, including following the other person without proper justification, which places the other person in reasonable fear of bodily injury or causes substantial emotional distress.

For the purpose of this definition; course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, through third parties, or by any action causes substantial emotional stress. Stress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

Intimate Partner Violence and Dating Violence: Causing or attempting to cause physical or emotional harm, sexual assault or abuse, placing another in reasonable fear of serious bodily injury, restraining another’s liberty or freedom of movement, or stalking, where such conduct is directed against the Complainant by someone with whom they have been in a romantic or intimate relationship. Dating violence can be a single event or a pattern of behavior that includes, but is not limited to, sexual or physical abuse.

Other Definitions

Alleged Victim: Any individual who has allegedly experienced an act or acts of Sexual Misconduct or Relationship Violence.

Alleged Offender: Any individual that is alleged to have committed an act or acts of Sexual Misconduct or Relationship Violence.

Complainant: An individual who invokes the College’s processes to determine whether this Policy has been violated. The Complainant is normally the Alleged Victim.

Complaint: A written statement submitted by the Complainant to the College for the purpose of initiating disciplinary proceedings under this Policy. This includes complaints submitted through the Community Concern Form.

Consent: Consent to engage in sexual activity must exist from beginning to end of each instance of sexual activity. Consent is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage in, and continue to engage in, a specific sexual activity.

Consent must be informed and voluntary. To give Consent, a person must be awake, of legal age, and have the capacity to reasonably understand the nature of their actions. Individuals who are physically or mentally incapacitated cannot give Consent. Some indicators that an individual is incapacitated due to intoxication may include, but are not limited to, vomiting, unresponsiveness, inability to communicate coherently, inability to dress/undress without
assistance, inability to walk without assistance, slurred speech, loss of coordination, or inability to perform other physical or cognitive tasks without assistance.

Silence, without actions evidencing permission, does not demonstrate Consent. Where force or coercion is alleged, the absence of resistance does not demonstrate Consent. The responsibility of obtaining Consent rests with the person initiating sexual activity.

Consent to engage in sexual activity may be withdrawn by either person at any time. A previous or current dating or sexual relationship, by itself, is not sufficient to constitute Consent. Once withdrawal of Consent has been expressed, the sexual activity must cease. Consent is automatically withdrawn by a person who is no longer capable of giving Consent (due to falling asleep or passing out into a state of unconsciousness, for example).

**Discrimination:** Discrimination refers to the treatment or consideration of, or making a distinction in favor of or against, a person based on the group, class, or category to which that person belongs rather than on individual merit. Discrimination can be the effect of some established practice that confers privileges on a certain class or denies privileges to a certain class because of race, color, national or ethnic origin, sex, sexual orientation, gender identity or expression, marital status, disability, religion, veteran status, age or any protected status.

**Harassment is a form of discrimination and constitutes a violation of this Policy.**

**Investigator:** Any College trained administrative official or person or persons appointed by the College who will be responsible for coordinating any investigations into an alleged violation of the Harassment and Discrimination Free-Workplace Policy.

**Mandatory Reporters:** Mandatory Reporters are persons who, as a result of their profession, may be aware of cases of abuse or violence. At Gettysburg College, all faculty, administrators, support staff and student staff (with the exception of professional health, counselors and pastoral counselors) are designated as mandatory reporters with regard to cases of suspected sexual assault/violence, sexual misconduct, and relationship violence. Suspected incidents need to be immediately reported to the Department of Public Safety (DPS). In the State of Pennsylvania, employees of institutions of higher learning who suspect incidents of child abuse (including incidents of suspected child sex abuse) must report such incidents to the Department of Public Welfare’s Child Line (800-932-0313), the police having jurisdiction, and to their supervisor.

**Party or Parties:** A term referring individually or collectively to the Complainant and/or Respondent.

**Respondent:** Any individual alleged to have violated this Policy and against whom a Complaint has been submitted.
Retaliation: Acts or attempted acts to retaliate or seek retribution against anyone who has reported Sexual Misconduct or Relationship Violence or who has participated (or is expected to participate) in any manner in an investigation or proceeding under this Policy. Prohibited retaliatory acts include, but are not limited to, intimidation, threats, coercion, or discrimination. **Retaliation constitutes a violation of this Policy.**

In dealing with complaints of harassment and/or discrimination, the College will protect the rights of all parties. The College’s commitment to eliminate harassment and/or discrimination from the workplace should not be viewed as a license for employees to engage in unfounded, frivolous, or vindictive actions that are not made in “good faith” in violation of the intent and spirit of this policy.

**Title IX:** Title IX of the Educational Amendments of 1972, 20 U.S.C. §§1681 et seq., and its implementing regulations, 32 C.F.R. Part 106, which prohibit discrimination on the basis of sex, gender identity, or gender expression in education programs or activities operated by recipients of federal financial assistance. Gettysburg College is required to comply with Title IX.

**Victim:** A person who has experienced sexual misconduct or relationship violence.

**Witness:** Any individual who has seen, heard, or otherwise knows or has information about a violation or attempted violation of this Policy. Witnesses are protected from retaliation, which includes retaliation from the Complaint, Respondent, or from another party or parties.

**Section IV: Reporting of Prohibited Conduct, Harassment and Discrimination Violations**

Any employee or faculty member who believes he or she has been a victim of any form of prohibited conduct, harassment or discrimination in any form should bring the matter to a Co-Director in the Human Resources Office and/or the Vice Provost. Alternatively, the individual may complete the on-line Community Concern Webform located at: www.gettysburg.edu/reportconcern.

All members of the faculty, administration and all support staff are **required** to report incidents of prohibited conduct, harassment and/or discrimination, including sexual harassment and gender discrimination, sexual misconduct, relationship violence and sexually inappropriate behavior, that they observe, that they are informed about, or of which they become aware by any means, to a Co-Director of Human Resources and/or the Vice Provost. Alternatively, the individual may complete the on-line Community Concern Webform located at: www.gettysburg.edu/reportconcern.
If you, or another individual, are in need of immediate assistance, please call the Department of Public Safety (DPS) at 717-337-6911 or the Gettysburg Police Department by calling 911. You should call DPS in the following circumstances:

- The health, safety or well-being of any individual is in jeopardy
- An individual is in need of immediate medical assistance
- Criminal or questionable activity is in progress

For non-emergency reporting, all members of the community may also submit a concern using the Community Care Webform (www.gettysburg.edu/reportconcern). Information provided on this form will be sent to the appropriate College official for review and follow-up. Generally, this form is used for non-emergency information (incident of concern is not in progress) for the following types of incidents:

- Bias incidents
- Crime tips
- Discriminatory Conduct
- General student, employee or faculty concern
- Hazing
- Sexual assault, sexual harassment, sexual misconduct, or relationship violence
- Child abuse - In the State of Pennsylvania, employees of institutions of higher learning who suspect incidents of child abuse (including incidents of suspected child sex abuse) must immediately report such incidents first to the Department of Public Welfare’s Child Line (800-932-0313), then to the police having jurisdiction, and then to their supervisor.

If you would like to speak directly with a trained member of the College community, you may also contact one of the individuals listed below (Names, Locations, Emails, phone #s):

**Title IX Coordinator**

Jane North, Executive Vice President and Title IX Coordinator, Third Floor, Pennsylvania Hall, jnorth@gettysburg.edu, 717-337-6011

**Intake/Investigative Offices:**

**Athletics:**

Dave Wright, Director of Athletics, Second Floor, Wright Building, dwright@gettysburg.edu, 717-337-6530.

**Department of Public Safety:**
Inquiries concerning the application of these policies may be referred to the Title IX Coordinator or to one of the offices identified above or to the Office for Civil Rights, United States Department of Education. For further information, visit http://wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm for the address and phone number of the U.S. Department of Education office that serves your area, or call 1-800-421-3481.

Role of the Title IX Coordinator:

The Title IX Coordinator’s role includes providing leadership and direction in the following areas:

- Coordinate Title IX efforts including the development, implementation, and monitoring of appropriate policies, procedures and practices designed to comply with federal and state legislation, regulation, and case law requiring the prompt and equitable resolution of all complaints pursuant to Title IX;
- Provide direction and oversight for all activities of the Title IX program including consulting with relevant policy-making bodies and senior management team members for the purpose of advising, clarifying and identifying necessary action to eliminate sex and/or gender-based discrimination in all educational programs and activities, to ensure that access to facilities, opportunities, and resources are gender equitable throughout campus;
Provide oversight to the training effort on Title IX for students and employees (faculty, staff, and administrators), with specialized training for investigators/fact-finders;
Partner with stakeholders and engage the campus community in strategic efforts aimed at the prevention of sexual violence and other forms of sex and/or gender-based discrimination;
Oversee the intake and investigative process by ensuring that it is prompt, effective, and equitable. Appoint and supervise the Title IX investigators and oversee investigation efforts. Ensure provision of initial remedial actions; assure compliance with timelines; ensure delivery of appropriate notice of charge, notice of hearing, notice of outcome, duty to warn, and remedies, and ensure a repository for and source of institutional record-keeping;
Ensure the institution maintains an organizational file of all complaints, and other records regarding Title IX compliance, including annual reports of the number and nature of filed complaints and the disposition of said complaints, data collection, climate assessment, pattern monitoring; and
Serve as principal contact for government inquiries pursuant to Title IX.
Chair the institutional Title IX/Clery Committee.

Section V: Investigation of Reports

All concerns will be taken seriously and directed to an intake office of the College which will then inform the alleged respondent about the College’s policy regarding such behavior, and advise the respondent that retaliation is prohibited.

The College’s Title IX Coordinator will be notified of the claim. The Title IX Coordinator will determine to whom to assign the responsibility to investigate. The investigation will typically involve interviewing the individual who believes he/she has been harassed; interviewing the individual who has been accused; and interviewing any witnesses or those who are believed to have relevant information about the claim. The individual being accused generally has the right to know who has made an allegation against him/her. The supervisor of an employee making a claim and the supervisor of an employee being named in a claim may be notified of the claim, only if appropriate.

Review:

- When the individual making a claim or the accused is a member of the faculty, the investigation will normally be assigned to the Provost Office. Generally, the Vice Provost will conduct the investigation with a Co-Director of Human Resources, meeting with the individual making the claim, the individual who has been accused, and any witnesses or
those who may have relevant information. Any corrective action toward a faculty member will be determined based on procedures set forth in the Faculty Handbook.

- When a claim involves an employee of the College other than a faculty member, the investigation will typically be assigned to a Co-Director of Human Resources. The Title IX Coordinator may delegate responsibility for the investigation to another member of the professional staff or person or persons authorized by the College as appropriate. Any corrective action toward a member of the professional staff will be based on standard College procedures. The College, in its sole discretion, makes disciplinary decisions.

- Student complaints about a faculty member or another employee of the College will be reviewed by either the Vice Provost (in the case of a faculty member) and the Director of Student Rights and Responsibilities or a Co-Director of Human Resources (in the case of an employee).

- Faculty or staff complaints about a student will be reviewed by the Vice President for Student Life and Dean of Students. The judicial procedures for sexual harassment grievances are outlined in the Student Code of Conduct.

- Student complaints about other students will be reviewed and investigated per the Sexual Misconduct and Relationship Policy by the Director of Student Rights and Responsibilities. The judicial procedures for sexual harassment grievances are outlined in the Student Code of Conduct.

During the course of an investigation, the individual conducting the investigation may consult with or notify the College President; the Provost; the Vice President of College Life/Dean of the College; the Co-Director of Human Resources; the Executive Director of Public Safety; and/or another administrator or outside legal counsel as appropriate.

Confidentiality will be maintained throughout the investigation to the extent practical and consistent with the College’s need to undertake a full and impartial investigation. Only those with a business need-to-know will be involved in the investigation.

In cases involving an issue or concern outlined in Section I (Employee and Student Sexual Harassment, Sexual Misconduct, Dating Violence, Domestic Violence, Stalking, and Sexually Inappropriate Behavior) only, both the complainant and/or the respondent may have an advisor of their choice present during the investigation. The role of an advisor is to support the grievant/respondent, but the advisor may not represent the grievant/respondent during the
investigation. The grievant/respondent may speak quietly with his or her advisor or request a short break in order to speak.

Employees questioned by the College during the course of an investigation are expected to provide their full cooperation. In turn, it is the expectation of the College that all those involved in an investigation, including the individual making the claim, the individual who has been accused, and any witnesses will be treated with dignity and respect during the course of the investigation.

If criminal conduct has been alleged, the claimant may elect to file a complaint with the appropriate authorities. The College will conduct its own investigation even if a criminal investigation occurs.

The College will normally conclude its investigation in a period of 60 days or less. In rare cases where the matter presents particular complexities or the unavailability of witnesses, the time period may be extended. All investigations will offer an equal opportunity for the accuser and the accused to present relevant witnesses and other evidence. At the conclusion of the investigation, appropriate administrators of the College will determine whether a violation of this policy occurred using a “preponderance of the evidence” standard. This means that, based on the totality of the evidence, harassment more likely than not occurred (not a “clear and convincing evidence” standard).

The individual making the complaint, as well as the alleged offender, will be apprised of the outcome of the investigation in writing. The College Grievance Procedure is available to employees after a determination has been made by the appropriate administrator as discussed above (as long as it meets one of the three grounds identified in the policy). Please see Section VIII for more information about the College Grievance Procedure.

If harassment or other violation is found to have occurred, immediate and appropriate action will be taken to stop the harassment or other violation, eliminate the hostile environment, prevent its recurrence, and remedy its effects. Any employee who the College determines has engaged in discrimination or harassment will be promptly and appropriately disciplined. Disciplinary measures may consist of actions including verbal warning, written warning, last chance agreement, suspension without pay, or possible termination of employment. Faculty disciplinary matters will be handled per procedures outlined in the Faculty Handbook.

Statement on Confidentiality

The College will take all reasonable steps to investigate and respond to the complaint consistent with any request for confidentiality or request not to pursue an investigation.

Approved by the Board of Trustees on May 2, 2015
General Standards of Conduct
Page 14 of 22
However, its ability to do so may be limited based on the nature of the request by the Complainant.

If the Victim requests anonymity or that the College not pursue an investigation, the College must balance this request in the context of its responsibility to provide a safe environment for all College community members. In cases where the College cannot respect the wishes of the Victim, the College will consult with the Victim and keep them informed about the College’s course of action.

If the report of misconduct discloses an immediate threat to the College campus community, where timely notice must be given to protect the health or safety of the community, the College may not be able to maintain the confidentiality of the Alleged Victim or Alleged Offender’s identities.

The College will assess any barriers to proceeding, including retaliation, and in cases where informal or formal resolution will take place, the College will inform the Respondent that Title IX prohibits retaliation and the College will take strong responsive action to protect the Complainant.

The College will consult the Title IX Coordinator who is responsible for evaluating requests for confidentiality once the College is aware of alleged sexual violence.

**Section VI: Interim Measures**

**Overview**

During the investigation and prior to the final determination, the College may take appropriate Interim Measures to protect the parties involved. A Complainant or Respondent may request an Interim Measure or other protection or the College may impose Interim Measures at its discretion to ensure the safety of all parties, the College community, and/or the integrity of the process. These actions are not a presumption of responsibility for violation of the Standards of Conduct Policy. Interim measures may be imposed whether or not formal disciplinary action is sought by the Complainant or the College.

**Types of Interim Measures**

The College after consulting with the victim will determine which measures are appropriate to ensure the victim’s safety and equal access to employment:

- Assistance in alternative College employment arrangements and/or changing work schedules, when possible
• A “no contact” directive pending the outcome of an investigation. Such directives serve as notice to both parties that they must not have verbal, electronic, written, or third party communication with one another
• Providing an escort to ensure that the employee can move safely across campus
• Assistance identifying an advocate to help secure additional resources or assistance including off-campus and community advocacy, support and services
• Issue a full, partial, or modified persona non grata (PNG) to the respondent if appropriate
• Any other remedy that can be tailored to the involved individuals to achieve the goals of this policy

The College will work with victims to identify what interim measures are appropriate in the short term, and will continue to work collaboratively throughout the College’s process and as needed thereafter to assess whether the instituted measures are effective and, if not, what additional or different measures are necessary to keep the victim safe.

Section VII: Resources for Victims of Domestic Violence, Dating Violence, Sexual Assault & Stalking

Off-campus

While Gettysburg College attempts to offer a number of on campus resources, we encourage employees to go to the hospital for medical care, as the staff there is trained in evidence collection.

DPS can assist a victim who is seeking out a Sexual Assault Nurse Examiner (SANE) at the Gettysburg Hospital Emergency Department. SANEs are trained to provide counseling, perform the examination to retrieve forensic evidence and screen the victim for pregnancy and sexually transmitted infections (STI).

Other off-campus resources are also available as listed below.

<table>
<thead>
<tr>
<th>Resource</th>
<th>Phone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gettysburg Hospital</td>
<td>717-334-2121</td>
</tr>
<tr>
<td>Survivors Inc.</td>
<td>717-334-0589</td>
</tr>
<tr>
<td>Mobile Crisis</td>
<td>866-352-0339</td>
</tr>
</tbody>
</table>

On-campus
Gettysburg College is committed to treating all members of the community with dignity, care, and respect. Gettysburg College recognizes that deciding whether to make a report and choosing how to proceed can be difficult decisions. Gettysburg College encourages any individual who has questions or concerns to seek the support of campus and community resources. These professionals can provide information about available resources, and procedural options, and assistance to both parties in the event that a report and/or resolution under this policy are pursued. Individuals are encouraged to use all available resources, regardless of when or where the incident occurred.

<table>
<thead>
<tr>
<th>The Employee Assistance Program</th>
<th>1-800-673-2514 * Confidential Resource</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Public Safety</td>
<td>717-337-6911</td>
</tr>
<tr>
<td>Title IX Coordinator</td>
<td>717-337-6011</td>
</tr>
<tr>
<td>Pastoral Counseling</td>
<td>717-337-6280 * Confidential Resource</td>
</tr>
<tr>
<td>Sexual Misconduct Resource Site</td>
<td><a href="http://www.gettysburg.edu/sexualmisconductresource">www.gettysburg.edu/sexualmisconductresource</a></td>
</tr>
<tr>
<td>Human Resources</td>
<td>717-337-6202</td>
</tr>
<tr>
<td>Provost Office</td>
<td>717-337-6821</td>
</tr>
</tbody>
</table>

**Confidential and Anonymous Reporting**

Adams County, PA, which includes the borough of Gettysburg and surrounding area, has established an anonymous reporting protocol for victims of sexual assault. The purpose of this protocol allows Adams County, PA to develop an alternative to standard reporting procedures for sexual assault victims. If a sexual assault victim does not currently wish to involve police, there is still an option to have the forensic evidence collected in a timely manner. By providing victims with the opportunity to gather information, solidify their support system, and establish rapport with first responders, the county hopes to create an environment that encourages reporting, even for those victims who initially feel unable, unwilling or unsure about doing so. Victims choosing to have evidence collected while anonymously reporting the sexual assault can do so during the forensic exam at the Gettysburg Hospital. The Adams County District Attorney’s Office manages the anonymous reporting protocol.

Gettysburg College also provides an Employee Assistance Program (EAP) for use by employees. The EAP is available to provide full-time support staff employees assistance with such problems as sexual or physical abuse, depression, marital and relationship conflict, stress, grief, critical incident stress, anxiety, and other personal matters. All full-time employees, regardless of performance, are eligible. The contact number the EAP is listed above.

All information relating to an employee's EAP participation is strictly confidential. Only the EAP provider maintains EAP records. The EAP provider does not release specific information about an employee's use of EAP services, unless the employee gives his or her advance written consent.
Assistance for Victims: Rights & Options

Regardless of whether a victim elects to pursue a criminal complaint, the college will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights. In Pennsylvania, a victim of domestic violence, dating violence, sexual assault or stalking has the right to file a petition with the courts requesting a Protection from Abuse Order (PFA) which could include the following:

- An order restraining the abuser from further acts of abuse;
- An order directing the abuser to leave your household/place of residence;
- An order directing the abuser to refrain from stalking or harassing you or other designated persons;
- Other protections based on issues related to cohabitation, residency, employment, and child custody.

DPS will help put victims who are interested in pursuing a PFA in contact with local courts. Any employee who obtains a PFA from Pennsylvania or any reciprocal State should provide a copy to DPS. A Complainant may then meet with DPS to develop a Safety Action Plan, which is a plan for DPS 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, providing a temporary cellphone, etc. DPS will help facilitate the reporting of PFA violations to the local police.

While not the same as the PFA, the College can issue a No Contact Directive. This includes, but is not limited to, communication that is written, verbal, or physical. Written communication is understood to include all electronic means of communication; including, but not limited to, email, instant messaging and text messaging. Verbal communication is understood to include phone calls and voice mail messages. A "no contact" directive may include additional restrictions and terms.

Reporting to the Police: DPS will help facilitate the reporting of incidents of sexual assault and relationship violence to the Gettysburg Police Department should the Complainant desire to pursue potential criminal charges. The police may be notified directly of an incident of sexual assault or relationship violence if the assailant is not known or otherwise identified or should the circumstances surrounding the incident pose a continuing threat to the Complainant or larger campus community.

Section VIII: Additional Information

Approved by the Board of Trustees on May 2, 2015
General Standards of Conduct
Page 18 of 22
The Violence Against Women Reauthorization Act of 2013

The Violence Against Women Act (VAWA) incorporated with the Campus Sexual Violence Elimination Act (Campus SaVE) requires crimes of domestic violence, dating violence and stalking incidents to be reported to campus security authorities or local police agencies.

Timely Warning Reporting Obligations

The College must, in a manner that is timely and will aid in the prevention of similar crimes, provide information to the campus community about Clery Act crimes that have been reported to campus security authorities or state or local police that are considered to represent a serious or continuing threat to the College community. These warnings, which the Department of Public Safety issues as “Campus Safety Alerts”, shall be issued in accordance with established institutional procedures. The alerts are generally written and distributed to the campus community by the Executive Director of Public Safety or a designee and they are reviewed and approved by the Dean of Students or a designee.

Campus Safety Alerts are usually distributed for the following crimes that occur on or in campus owned, controlled, leased, rented, or otherwise recognized property: arson, criminal homicide, and robbery. Incidents of aggravated assault and sex offenses are considered on a case-by-case basis, depending on the facts of the case and whether there is a continuing danger to the campus community. For example, if an aggravated assault occurs between two students who have a disagreement, there may be no on-going threat to other Gettysburg College community members and a Campus Safety Alert would not be distributed.

Campus officials not subject to the timely reporting requirement are those with official counseling responsibilities who were providing confidential assistance to a crime victim, such as pastoral counselors and professional counselors.

Ongoing Education and Awareness Programming

The College offers programs to faculty and employees to raise awareness about Title IX and the Violence Against Women's Act.

- Online Education through United Educators
- New employee and new faculty orientation
- Bystander intervention workshops

Section IX: Grievance Procedure
This College Grievance Procedure is available to employees after a determination has been made by a College administrator as discussed above in Section IV.

**Purpose:** The College Grievance Procedure exists as a means to contest a determination that has been made regarding an alleged violation of the College’s Harassment and Discrimination-Free Workplace Policy, including any Title IX related claims. There are three grounds for which either party may grieve under this procedure:

1. The complainant or the respondent believes that the discipline/sanction imposed was inappropriate for the violation of policy for which he or she was found responsible;

2. An error occurred during the investigative stage preventing either the complainant and/or the respondent a reasonable opportunity to prepare and present information to the investigator(s); or

3. There is a discovery of new information that was not available at the time of the investigative process and could have affected the outcome of the matter.

**What Categories of Grievance Are Not Covered by the College Grievance Procedure**

The College Grievance Procedure does not apply to issues concerning compensation, classification, work standards, stated College policy, matters that are beyond the control or jurisdiction of the College, or any disciplinary matter or termination unless the employee believes that such actions were the result of unlawful discrimination or harassment.

Additionally, dismissal of a faculty member for cause, non-reappointment of a non-tenured faculty member, or tenure/promotion issues may not be addressed with the College Grievance Procedure. These faculty issues, which may be addressed using procedures found in the Faculty Handbook, are under the purview of the Faculty Grievance Committee, a faculty committee that is distinct from the College Grievance Committee created under this policy.

This is not a legal proceeding but a Gettysburg College community procedure created with the health and welfare of the College’s employees in mind. The College Grievance Procedure may be used freely without fear of retaliation, and the Co-Directors of Human Resources, working with the Vice Provost and/or the Director of Student Rights and Responsibilities, if appropriate, are available for assistance throughout the process.

**Composition of the College Grievance Committee**

Under this policy, Gettysburg College maintains a body called the College Grievance Committee. Members of this committee are appointed by the President of the College for terms of three years. The College Grievance Committee will be composed of three tenured faculty members, three administrators, and three support staff members. The Chair of the College Grievance
Committee will be a tenured faculty member and may serve as one of the four voting members of a grievance hearing panel.

**Grievance Process**

1. The employee must file a Notice of Grievance Form within seven (7) business days of the final determination with (1) the Co-Directors of Human Resources in the case where the grievant is an administrator or support staff member, (2) the Vice Provost in the case where the grievant is a faculty member, or (3) the Director of Student Rights and Responsibilities in the case where the grievant is a student employee. This form will ask the grievant to identify which of the three grounds (or combination of the three), referred to in the Purpose discussion above, he or she seeks to have addressed. The grievant will be asked to make a formal statement outlining the specifics of his or her grievance. The Notice of Grievance Form may be found on the Human Resources Office website at: http://www.gettysburg.edu/dotAsset/2530631.doc (on the “Forms” section of the HR website) and is also available in the Human Resources Office and the Provost’s Office.

2. Upon receiving the Notice of Grievance Form, the Co-Directors of Human Resources, the Vice Provost, or the Director of Student Rights and Responsibilities will forward the Notice to the Chair of the College Grievance Committee. From the appointed College Grievance Committee members, the Chair will select a hearing panel of an additional three members, including one staff member and one administrator. If a student is a party to the grievance, the student may request of the Chair of the College Grievance Committee that the hearing panel include one student appointed by the Director of Student Rights and Responsibilities from the student members of the Student Conduct Review Board. The Chair will endeavor to have male and female representation on the hearing panel.

3. The hearing panel will meet to review the formal grievance within the context of the policy of the College Grievance Procedure. The hearing panel may decide on the basis of the written grievance that the challenge does not satisfy one of the three grounds for a grievance. In such cases, the hearing panel will promptly forward its decision to the Co-Directors of Human Resources, the Vice Provost, and/or the Director of Student Rights and Responsibilities, as appropriate.

4. If and only if the hearing panel decides that one or more of the three grounds for a grievance are met, the hearing panel will promptly schedule a hearing. The hearing will not revisit the entire matter, but will be limited to addressing the grounds for the grievance. At this hearing, the burden of proof will be on the grievant to establish the foundation for the grievance with clear and convincing evidence. The hearing will be a closed meeting, including only those persons whom the hearing panel deems necessary to address the
grounds for the grievance. Witnesses will be present only when their testimony is being taken.

5. In cases involving an issue or concern outlined in Section I only (Employee and Student Sexual Harassment, Sexual Misconduct, Dating Violence, Domestic Violence, Stalking, and Sexually Inappropriate Behavior), both the grievant and/or the respondent may have an advisor of their choice present during the grievance. In cases involving other forms of harassment or discrimination, the grievant may choose any current faculty member, administrator, support staff member, or student who is not directly involved in the case to serve as his/her advisor. There will not be attorneys present for the parties in cases involving other forms of harassment or discrimination. In all cases, the role of an advisor is to support the grievant/respondent, but the advisor may not represent the grievant/respondent during the grievance. In all cases, the grievant/respondent may speak quietly with his or her advisor or request a short break in order to speak.

6. The hearing panel will make a recommendation concerning the allegations of the grievance based on a majority vote. When the hearing panel consists of four members, a clear majority is three. Promptly after the completion of the hearing, the grievant will be advised of the recommendation of the hearing panel. The hearing panel will also advise one or more of the following persons: the Provost, if the grievant is a faculty member administrator or support staff member; or the Vice President for College Life, if the grievant is a student. If one of these administrators is the complainant or the respondent in the original hearing, the hearing panel will advise the President of the College of its recommendation instead of that administrator. The hearing panel has no restrictions upon it as to what it may recommend: from a finding that the grievance is not established, to a reprimand, to further proceedings for dismissal of the employee.

7. The administrator, who is advised of the outcome of the hearing as set forth in paragraph 6 above, will review promptly the recommendation of the hearing panel. This administrator, who is not bound by the recommendation of the hearing panel, will determine any resolution of the grievance, including a sanction, within the authority of his or her position. The decision of this administrator is final.