

**LAFAYETTE COLLEGE**  
**POLICY ON EQUAL OPPORTUNITY, HARASSMENT, AND NONDISCRIMINATION FOR ALL FACULTY,**  
**STUDENTS, EMPLOYEES, AND THIRD PARTIES (Hereinafter, “the Policy”)**

**1. STATEMENT OF PURPOSE**

Lafayette College is committed to having and providing an educational and employment environment that is free from discrimination, including harassment, based on protected characteristics and free from retaliation for engaging in protected activity.

The College values and upholds the equal dignity of all members of its community and strives to balance the rights of the Parties in the resolution process during what is often a difficult time for all involved.

To ensure compliance with all applicable federal, state, and local civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of its educational programs and activities, the College has developed this Policy on Equal Opportunity, Harassment, and Nondiscrimination (“Policy”) that provides for prompt, fair, and impartial resolution of allegations of discrimination, harassment, and retaliation.

The College is also committed to freedom of thought, discourse, and speech and the attainment of the highest quality of academic and educational pursuits. Consistent with the College’s Policy on Academic Freedom (Faculty Handbook, Appendix A), this Policy is not meant to prohibit or inhibit educational content or discussions that include controversial or sensitive subject matters. In issuing this Policy, the College affirms its commitment to providing a learning and working environment free of discrimination, harassment, and retaliation, as well as its adherence to the principle of academic freedom.

When reported conduct involves a potential violation of both this Policy and any other College policy, the procedures set forth in this Policy will apply unless the College determines that the potential violation is more appropriately addressed through another policy (e.g., Title IX).

The College will provide a prompt and adequate response to reports or notice it receives about harassment, and discrimination with measures designed to stop the behavior, prevent its recurrence, and address adverse effects of such conduct in College-related programs or activities. Through processes that address both prevention and remedies, this Policy aims to maintain a campus environment that is free of harassment and discrimination.

This Policy also prohibits retaliation against individuals for reporting harassment or discrimination, participating in related proceedings, or participating in the processes outlined in this Policy. Individuals who retaliate or attempt such retaliation may be subject to discipline, up to and including termination or expulsion, even if the underlying allegations of prohibited conduct are not established by a preponderance of the evidence.

The College maintains, consistent with this Policy: (1) processes sensitive to both the Complainant and Respondent in responding to reports of harassment, discrimination, and retaliation; (2) prompt and equitable processes and procedures for determining violations of this Policy which assure fairness to

both the Complainant and Respondent; (3) College disciplinary sanctions for those who are found responsible for violating this Policy ; (4) individual and community remedies to address the effects of harassment and discrimination; and (5) an ongoing review of the College's prevention and education programs and contemplated changes to policies and/or procedures.

## **2. Notice of Nondiscrimination**

The College seeks to comply with all applicable federal, state, and local laws, regulations, and ordinances prohibiting discrimination and harassment in employment and in private post-secondary educational institutions.

The College does not discriminate against any employee, applicant for employment, student, or applicant for admission, and is committed to having an environment free from discrimination (including harassment), on the basis of actual or perceived:

- Age (40 years and over in the employment context)
- Breastfeeding status
- Citizenship status
- Color
- Creed
- Disability
- Domestic violence victim status
- Ethnicity or ethnic characteristics
- Familial status
- Gender expression
- Gender identity
- Genetic information (including family medical history)
- Marital status
- National origin (including shared ancestry or ethnic characteristics)
- Political belief or affiliation
- Pregnancy, childbirth, and related conditions
- Race (including traits associated with race such as hair texture and protective hairstyles)
- Religion (including all aspects of religious beliefs, observance, and practice and specifically hair coverings and coverings associated with religious creeds)
- Sex (including sex assigned at birth)
- Sexual or affectional orientation
- Shared ancestry or ethnic characteristics
- Veteran or military status (including disabled veteran, recently separated veteran, active-duty, wartime, or campaign badge veteran, and Armed Forces Service Medal veteran)
- or any other protected characteristic under applicable local, state, or federal law.

This Policy covers nondiscrimination in both employment and access to educational opportunities. Therefore, any member of the College community whose acts deny, deprive, unreasonably interfere with or limit the education or employment, residential and/or social access, benefits, and/or

opportunities of any member of the College community, guest, or visitor on the basis of that person's actual or perceived protected characteristic(s), is in violation of this Policy.

The College will promptly and effectively address any such reports or complaints of discrimination, harassment or retaliation of which it has Knowledge/Notice using the resolution process in the Equal Opportunity, Harassment, and Nondiscrimination Procedures. The College shall assess whether any reports or complaints created or contributed to a hostile environment regardless whether the incident occurred on or off campus or on social media.

### **3. Nondiscrimination Team Contacts**

The College has appointed the Nondiscrimination Team, comprised of the following individuals, to coordinate the College's compliance with federal, state, and local civil rights laws and ordinances:

#### ***For discrimination and harassment allegations [not based on sex or disability]:***

Director of Institutional Equity and Title IX Coordinator  
Division of Inclusion  
Lafayette College  
006 Markle Hall  
Easton, PA 18042  
(610) 330-5140  
[TitleIX@lafayette.edu](mailto:TitleIX@lafayette.edu)

Office of Human Resources  
Lafayette College  
12 Markle Hall  
Easton, PA 18042  
(610) 330-5060  
[hr@lafayette.edu](mailto:hr@lafayette.edu)

#### ***For sex discrimination and sex-based harassment allegations:***

Director of Institutional Equity and Title IX Coordinator  
Division of Inclusion  
Lafayette College  
006 Markle Hall  
Easton, PA 18042  
(610) 330-5140  
[TitleIX@lafayette.edu](mailto:TitleIX@lafayette.edu)

Office of Human Resources  
Lafayette College  
12 Markle Hall  
Easton, PA 18042

(610) 330-5060  
[hr@lafayette.edu](mailto:hr@lafayette.edu)

Associate Director of Residence Life & Deputy Title IX Coordinator  
Lafayette College  
132 Farinon Center  
Easton, PA 18042  
(610) 330-5335  
[TitleIX@lafayette.edu](mailto:TitleIX@lafayette.edu)

***For disability-based allegations:***

Director of Institutional Equity and Title IX Coordinator  
Division of Inclusion  
Lafayette College  
006 Markle Hall  
Easton, PA 18042  
(610) 330-5140  
[TitleIX@lafayette.edu](mailto:TitleIX@lafayette.edu)

Collectively, these individuals are responsible for receiving and investigating reports of discrimination, harassment, or retaliation; providing comprehensive nondiscrimination education and training; coordinating the College's timely, thorough, and fair response, investigation, and resolution of all alleged prohibited conduct under this Policy; and monitoring the effectiveness of this Policy and related procedures to ensure an educational and employment environment free from discrimination, harassment, and retaliation.

The College recognizes that allegations under this Policy may include multiple forms of discrimination and harassment as well as violations of other College policies; may involve various combinations of students, employees, and other members of the College community; and may require the simultaneous attention of multiple College departments. Accordingly, all College departments will share information, combine efforts, and otherwise collaborate, to the maximum extent permitted by law and consistent with other applicable College policies, to provide uniform, consistent, efficient, and effective responses to alleged discrimination, harassment, or retaliation.

**4. External Contact Information**

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

**Office for Civil Rights (OCR)**  
**U.S. Department of Education**  
400 Maryland Avenue, SW  
Washington, D.C. 20202-1100  
Customer Service Hotline: (800) 421-3481

Facsimile: (202) 453-6012  
TDD: (877) 521-2172  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)  
Web: <http://www.ed.gov/ocr>

**Office for Civil Rights (OCR), Philadelphia Office**  
**U.S. Department of Education**  
100 Penn Square East, Suite 515  
Philadelphia, PA 19107-3323  
Telephone: (215) 656-8541  
Fax: (215) 656-8605  
[OCR.Philadelphia@ed.gov](mailto:OCR.Philadelphia@ed.gov)

**U.S. Equal Employment Opportunity Commission**  
**Philadelphia District Office**  
**801 Market Street**  
**Suite 1000**  
**Philadelphia, PA 19107-3126**  
Telephone: (800) 669-4000  
Telephone TTY for Deaf/Hard of Hearing callers only: (800) 669-6820  
ASL Video Phone for Deaf/Hard of Hearing callers only: (844) 234-5122  
[govinfo@eeoc.gov](mailto:govinfo@eeoc.gov)

**Pennsylvania Human Relations Commission**  
333 Market St 8<sup>th</sup> Floor, Harrisburg, PA 17101  
Telephone: (717) 787-9780A  
<https://www.phrc.pa.gov/File-a-Complaint/Pages/default.aspx>

## 5. **Reporting**

College supervisors and managers are required to inform the Director of Institutional Equity of any reported conduct prohibited by this Policy which involves employees and which does not involve students.

All College employees are required to inform the Director of Institutional Equity of any conduct prohibited by this Policy that they are aware of which involves students.

Failure of an individual with a reporting obligation as set forth above to report an incident of discrimination, harassment, or retaliation of which they become aware is a violation of College Policy and can be subject to disciplinary action for failure to comply/failure to report. This also includes situations when a harasser is obligated under this Policy to self-report. Such individuals are obligated to report their own misconduct, and failure to do so is a violation of this Policy.

Campus counselors (and/or the [Employee Assistance Program](#)) are available to help free of charge and may be consulted on an emergency basis during normal business hours. For students, after-hours and weekend telephone crisis support is also available.

## **6. Reasonable Accommodations and Grievances and Complaints**

The College is committed to full compliance with all applicable federal, state, and local laws which prohibit discrimination against qualified persons with disabilities, including the Americans with Disabilities Act of 1990 (ADA), as amended, Section 504 of the Rehabilitation Act of 1973 (Section 504) and the Pennsylvania Human Relations Act. The College is also committed to full compliance with all federal, state, and local laws that require accommodations for sincerely held religious beliefs, pregnancy, pregnancy-related conditions, and other protected characteristics. The Director of Institutional Equity is responsible for overseeing efforts to comply with applicable laws providing for accommodations, including responding to grievances and conducting investigations of any allegation of noncompliance or discrimination based on disability, sincerely held religious beliefs, pregnancy, and pregnancy-related conditions.

### **A. Students in Need of Accommodations**

The College is committed to providing qualified students with reasonable accommodations in a manner consistent with applicable law and support needed to ensure equal access to the academic programs, facilities, and activities of the College. All accommodations are made on an individualized basis. A student requesting any accommodation should contact the Academic Resource Hub for Accessibility Services, which coordinates services for students in need of an accommodation. Grievances by students related to provision of accommodations are addressed using the procedures in [Section 504 Grievance Procedure](#).

### **B. Employees in Need of Accommodations**

The College will provide reasonable accommodation(s) to all qualified employees and applicants for employment with known disabilities, who have sincerely held religious beliefs, and/or who are pregnant and/or have a pregnancy-related condition(s). The College will provide reasonable accommodations when the individual's disability, religious belief, pregnancy, or pregnancy-related condition affects the performance of their essential job functions, except when doing so would result in undue hardship to the College. An employee in need of an accommodation is responsible for submitting a request for an accommodation to the Office of Human Resources and providing necessary documentation. The Office of Human Resources will work with the employee's supervisor to identify what reasonable accommodations could enable the employee to perform those duties in accordance with the College's applicable policies.

Unless otherwise subject to the [Section 504 Grievance Procedure](#), all allegations of discrimination by students and employees relating to the provision of reasonable accommodations will be resolved under the Resolution Process relating to this Policy.

## **7. Scope**

This Policy applies to all employees (including faculty and staff), students, and other individuals participating in or attempting to participate in the College's program or activities, including education and employment.

This Policy prohibits all forms of discrimination on the basis of characteristics protected by applicable law, and may be applied to incidents, to patterns, and/or to the institutional culture/climate, all of which may be addressed in accordance with this Policy.

The College's prohibition of, and commitment to having an environment free from, discrimination (including harassment) on the basis of protected characteristics extends to the College's programs and activities, including all academic, extra-curricular, and College-sponsored activities. The College shall take all appropriate actions to address and ameliorate discrimination (including harassment) based on protected characteristics, including when it involves recognized student organizations regardless of whether the conduct occurred on or off campus or on social media.

This Policy does not apply to sexual harassment that is prohibited by Title IX of the Education Amendments Act of 1972 ("Title IX") (including sexual assault, dating violence, domestic violence and stalking). Such conduct is covered by the Lafayette College Title IX Policy and Procedure.

## **8. Jurisdiction**

This Policy and the College's prohibition of, and commitment to having an environment free from, discrimination (including harassment) on the basis of protected characteristics apply to the College's education programs and activities (including, but not limited to, all academic, extra-curricular, and College-sponsored activities, and locations, events, or circumstances in which the College exercises substantial control over both the Respondent and the context in which the conduct occurred); circumstances where the College has disciplinary authority; and to misconduct occurring within any building owned or controlled by a College-recognized student organization. At the discretion of the Director of Institutional Equity, a Complainant does not have to be a member of the College community to file a Complaint.

This Policy may also apply to the effects of off-campus misconduct that limit or deny a person's access to the College's education programs or activities. The College may also extend jurisdiction to off-campus and/or to online conduct (including social media postings) when the conduct affects a substantial College interest.

A substantial College interest includes, but is not limited to:

- 1) Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law.
- 2) Any situation in which it is determined that the Respondent poses an imminent and serious threat to the health or safety of any student, employee, or other individual.
- 3) Any situation that significantly impinges upon the rights, property, or achievements of others, significantly breaches the peace, and/or causes social disorder.
- 4) Any situation that substantially interferes with the College's educational interests or mission.
- 5) Any situation that creates or contributes to a hostile environment.

For disciplinary action to be issued under this Policy, the Respondent must be a College faculty member, student, or employee at the time of the alleged incident. In cases in which the Respondent is not a College faculty member, student, or employee, the College will determine an appropriate sanction within the scope of the College's authority. If the Respondent is unknown or is not a member of the College community, the Director of Institutional Equity will offer to assist the Complainant in identifying appropriate institutional and local resources and support options, and will implement appropriate supportive measures and/or remedial actions (e.g., trespassing a person from campus). The College can also assist in contacting local or institutional law enforcement if the individual would like to file a police report about criminal conduct.

All vendors serving Lafayette College through third-party contracts are subject to the policies and procedures of their employers and/or to the College policies and procedures to which their employer has agreed to be bound by their contract(s).

When a party is participating in a dual enrollment or early college program, the College will coordinate with the party's home institution to determine jurisdiction and coordinate providing supportive measures and responding to the Complaint under the appropriate policy and procedures based on the allegations and identities of the Parties.

When the Respondent is enrolled in or employed by another institution, the Director of Institutional Equity can assist the Complainant in contacting the appropriate individual at that institution, as it may be possible to pursue action under that institution's policies.

Similarly, the Director of Institutional Equity may be able to assist and support a student or employee Complainant who experiences discrimination or harassment in an externship, study abroad program, or other environment external to the College where harassment or nondiscrimination policies and procedures of the facilitating or host organization may give the Complainant recourse. If there are effects of that external conduct that impact a student or employee's work or educational environment, those effects can often be addressed remedially by the Director of Institutional Equity if brought to their attention.

## **9. Supportive Measures**

The College will offer and implement appropriate and reasonable supportive measures to the Parties upon Notice of alleged discrimination, harassment, and/or retaliation. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate and reasonably available. They are offered, without fee or charge to the Parties, to restore or preserve access to the College's educational program or activity, including measures designed to protect the safety of all Parties and/or the College's educational environment and/or to deter discrimination, harassment, and/or retaliation.

The Director of Institutional Equity promptly makes supportive measures available to the Parties upon receiving Notice/Knowledge or a Complaint. At the time that supportive measures are offered, if a Complaint has not been filed, the College will inform the Complainant, in writing, that they may file a Complaint with the College either at that time or in the future. The Director of Institutional Equity will work with a party to ensure that their wishes are considered with respect to any planned and implemented supportive measures.

The College will maintain the confidentiality of the supportive measures, provided that confidentiality does not impair the College's ability to provide those supportive measures. The College will act to ensure as minimal an academic/occupational impact on the Parties as possible. The College will implement measures in a way that does not unreasonably burden any party.

The Parties are provided with a timely opportunity to seek modification or reversal of the College's decision to provide, deny, modify, or terminate supportive measures applicable to them. A request to do so should be made in writing to the Director of Institutional Equity. An impartial employee other than the employee who implemented the supportive measures, who has authority to modify or reverse the decision, will determine whether to provide, deny, modify, or terminate the supportive measures. The College will also provide the Parties with the opportunity to seek additional modification or termination of supportive measures applicable to them if circumstances materially change. The College typically renders decisions on supportive measures within seven (7) business days of receiving a request and provides a written determination to the impacted party(ies) and the Director of Institutional Equity.

#### **10. Online Harassment and Misconduct**

This Policy is written and interpreted broadly to include online manifestations of any of the behaviors prohibited herein, when those behaviors occur in or may have an effect on the College's educational program and activities, or when they involve the use of College networks, technology, or equipment.

The College is committed to taking appropriate action to address and ameliorate discrimination (including harassment) based on protected characteristics, including when it involves social media postings. Although the College may not control websites, social media, and other venues through which harassing communications are made, when such communications are reported to the College, it will engage in a variety of means to address and mitigate the effects of the postings. The College shall assess whether any incidents created or contributed to a hostile environment regardless whether the incident occurred on or off campus or on social media.

#### **11. Prohibited Conduct**

The sections below describe the specific forms of discrimination, harassment, and retaliation that are prohibited under this Policy. When speech or conduct is protected by academic freedom, it will not be considered a violation of College Policy, though supportive measures will be offered to those impacted. Notwithstanding the foregoing, the College shall assess all reports or complaints to determine whether the alleged conduct created or contributed to a hostile environment.

All offense definitions below encompass actual and/or attempted offenses.

Any of the following offenses can be charged as or combined as pattern offenses, in which case the Notice of Investigation and Allegation (NOIA) will clearly indicate that both individual incidents and a pattern of conduct are being investigated. A pattern may exist and be charged when there is a potential substantial similarity to incidents where the proof of one could make it more likely that the other(s) occurred, and vice versa. Patterns may exist based on target selection, similarity of offense, or other factors. Where a pattern is found, it can be the basis to enhance sanctions, accordingly.

Violation of any other College policies may constitute discrimination or harassment when motivated by actual or perceived protected characteristic(s), and the result is a limitation or denial of employment or educational access, benefits, or opportunities.

## **A. Discrimination**

Discrimination is different treatment with respect to a person's employment or participation in an educational program or activity based, in whole or in part, upon the person's actual or perceived protected characteristic(s). Discrimination also includes allegations of a failure to provide reasonable accommodations as required by law or policy, such as for disability, religion, pregnancy, or pregnancy-related conditions.

Discrimination can take two primary forms:

### **1) Disparate Treatment Discrimination:**

- Any intentional differential treatment of a person or persons that is based on a person's actual or perceived protected characteristic and that:
  - Excludes a person from participation in;
  - Denies the person benefits of; or
  - Otherwise adversely affects a term or condition of a person's participation in a College program or activity or their employment.

### **2) Disparate Impact Discrimination:**

- Disparate impact occurs when policies or practices that appear to be neutral unintentionally result in a disproportionate impact on a protected group or person that:
  - Excludes a person from participation in;
  - Denies the person benefits of; or
  - Otherwise adversely affects a term or condition of a person's participation in a College program or activity or employment.

## **B. Discriminatory Harassment**

Discriminatory harassment is:

- unwelcome conduct on the basis of actual or perceived protected characteristic(s), that
- based on the totality of the circumstances,
- is subjectively and objectively offensive, and
- is so severe or pervasive,
- that it limits or denies a person's ability to participate in or benefit from the College's education program or activity or employment.

Discrimination on the basis of national origin can include discrimination on the basis of shared ancestry or ethnic characteristics. Shared ancestry discrimination or harassment can be manifested by racial, ethnic or ancestral slurs or stereotypes, comments about a person's looks or appearance (including but not limited to skin color, physical characteristics, style of dress, wearing of traditional clothing or garb associated with a particular group), accents, names and surnames or speaking a foreign language.

The College reserves the right to address conduct that (1) does not rise to the level of creating a hostile environment, or (2) that is of a generic nature and not based on a protected characteristic. Addressing such conduct may result in the imposition of discipline under College Policy, or may be addressed through respectful conversation, remedial actions, education, effective Alternative Resolution, and/or other Informal Resolution mechanisms.

For assistance with Alternative Resolution and other Informal Resolution techniques and approaches, contact the Director of Institutional Equity.

### **C. Other Prohibited Conduct**

#### **1) Bullying:**

- repeated and/or severe aggressive behavior
- that is likely to intimidate or intentionally hurt, control, or physically or mentally diminish the Complainant,
- that is not speech or conduct that is otherwise protected by applicable law.

#### **2) Endangerment:**

- threatening or causing physical harm;
- extreme verbal, emotional, or psychological abuse; or
- other conduct which threatens or endangers the health or safety of any person or damages their property;
- Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another.

#### **3) Hazing:**

- any act or action
- which does or is likely to endanger the mental or physical health or safety of any person
- as it relates to a person's initiation, admission into, or affiliation with any College group or organization.

For the purposes of this definition:

- It is not necessary that a person's initiation or continued membership is contingent upon participation in the activity, or that the activity was sanctioned or approved by the student group or student organization, for an allegation of hazing to be upheld.
- It shall not constitute an excuse or defense to a hazing allegation that the participants took part voluntarily, gave consent to the conduct, voluntarily assumed the risks or hardship of the activity, or that no injury was suffered or sustained.

- The actions of alumni, active, new, and/or prospective members of a student group or student organization may be considered hazing.
- Hazing is not confined to the student group or student organization with which the person subjected to the hazing is associated.

**4) Retaliation:**

- Adverse action, including, but not limited to, intimidation, threats, coercion, or discrimination,
- against any person,
- by the College, a student, employee, or a person authorized by the College to provide aid, benefit, or service under the College’s education program or activity,
- for the purpose of interfering with any right or privilege secured by law or Policy, or
- because the person has engaged in protected activity, including reporting information, making a Complaint, testifying, assisting, or participating or refusing to participate in any manner in an investigation or Resolution Process under the Policy or Procedures, including an Informal Resolution process, or in any other appropriate steps taken by the College to promptly and effectively end any discrimination in its education program or activity, prevent its recurrence, and remedy its effects.

**5) Unauthorized Disclosure:<sup>1</sup>**

- Distributing or otherwise publicizing materials created or produced during an investigation or Resolution Process except as required by law or as expressly permitted by the College or by law; or
- publicly disclosing institutional work product that contains personally identifiable information without authorization or consent.

**6) Failure to Comply/Process Interference**

- Intentional failure to comply with the reasonable directives of the Director of Institutional Equity in the performance of their official duties, including with the terms of a no contact order
- Intentional failure to comply with emergency removal or interim suspension terms
- Intentional failure to comply with sanctions
- Intentional failure to adhere to the terms of an Informal Resolution agreement
- Intentional failure to comply with mandated reporting duties as defined in this Policy
- Intentional interference with the Resolution Process, including, but not limited to:
  - Destruction of or concealing of evidence

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<sup>1</sup> Nothing in this section restricts the ability of the Parties to: obtain and present evidence, including by speaking to witnesses (as long as it does not constitute retaliation under this Policy), consult with their family members, confidential resources, or Advisers; or otherwise prepare for or participate in the Resolution Process.

- Actual or attempted solicitation of knowingly false testimony or providing false testimony or evidence
- Intimidating or bribing a witness or party

#### **D. Sanction Ranges**

The College is committed to responding to reports and complaints of discrimination and harassment promptly, fairly, and with sensitivity. Upon completion of the resolution process, the College will take appropriate corrective action consistent with the results of the investigation. Sanctions may range from a warning up to and including termination of employment or expulsion from the College. There may be situations in which sanctions are not appropriate or warranted. The College is committed to providing supportive measures to those impacted even if sanctions are not imposed.

#### **12. Standard of Proof**

The College uses the preponderance of the evidence standard of proof when determining whether a Policy violation occurred. This means that the College will decide whether it is more likely than not, based upon the available information at the time of the decision, that the Respondent violated the Policy.

#### **13. Reports/Complaints of Discrimination, Harassment, and/or Retaliation**

A Report provides notice to the College of an allegation or concern about discrimination, harassment, or retaliation and provides an opportunity for the Director of Institutional Equity to provide information, resources, and supportive measures. A Complaint provides notice to the College that the Complainant would like to initiate an investigation or other appropriate resolution procedures. A Complainant or individual may initially make a report and may decide at a later time to make a Complaint. Reports or Complaints of discrimination, harassment, and/or retaliation may be made or filed using any of the following options:

- 1) File a Complaint with, or give verbal Notice directly to, the Director of Institutional Equity or to any member of the Nondiscrimination Team. Such a Complaint may be made at any time (including during non-business hours) by using the telephone number, email address, or by mail to the office of the Director of Institutional Equity or any other Nondiscrimination Team member listed in this Policy.
- 2) Submit online Notice using the universal reporting tool at <http://onepard.lafayette.edu/>. The online reporting tool is only monitored during regular business hours and should not be used in emergencies or situations where an immediate response is required. In such situations call Public Safety at (610) 330-4444 (emergency), or (610) 330-5330 (non-emergency).

Anonymous Notice is accepted. Anonymous Notice may limit the College's ability to investigate, respond, and provide remedies, depending on what information is shared. Measures intended to protect the community or redress or mitigate harm may be enacted. It also may not be

possible to provide supportive measures to Complainants who are the subject of anonymous Notice.

- 3) Report using the toll-free [Anonymous Tip Hotline](tel:1-800-539-6085) (1-800-539-6085).
- 4) Reports may also be made to law enforcement (the Department of Public Safety or Easton Police Department are available 24 hours a day to receive reports): Call Public Safety at (610) 330-4444 (emergency), or (610) 330-5330 (non-emergency). Call the Easton Police Department at (610) 759-2200 (main number), or 911 (emergency).

Reporting carries no obligation to initiate a Complaint, and in most situations, the College is able to respect a Complainant's request to not initiate a resolution process. However, there may be circumstances, such as pattern behavior, allegations of severe misconduct, or a compelling threat to health and/or safety, where the College may need to initiate a resolution process. If a Complainant does not wish to file a Complaint, the College will maintain the privacy of information to the extent possible. The Complainant should not fear a loss of confidentiality by giving Notice that allows the College to discuss and/or provide supportive measures, in most circumstances.

An individual may pursue some or all of these options at the same time (e.g., one may simultaneously pursue a Harassment report under this Policy and a criminal complaint).

All allegations are acted upon promptly by the College once it has received notice or a formal complaint. Complaints can take 60-90 business days to resolve, typically. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but the College will avoid all undue delays within its control. Any time the general timeframes for resolution will be delayed, the College will provide written notice to the Parties of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

#### **14. Time Limits on Reporting**

There is no time limitation on providing Notice/Complaints to the Director of Institutional Equity. However, if the Respondent is no longer subject to the College's jurisdiction and/or significant time has passed, the ability to investigate, respond, and/or provide remedies may be more limited or impossible.

Acting on Notice/Complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of Policy) is at the Director of Institutional Equity's discretion; they may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

#### **15. False Allegations and Evidence**

Deliberately false and/or malicious accusations under this Policy are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a determination of a Policy violation.

Additionally, witnesses and Parties who knowingly provide false evidence, tamper with or destroy evidence, or deliberately mislead an official conducting an investigation or resolution process can be subject to discipline under appropriate College policies.

## **16. Confidentiality/Privacy**

The College makes every effort to preserve the Parties' privacy. The College will not share the identity of any individual who has made a Complaint of harassment, discrimination, or retaliation; any individual who has been reported to be the perpetrator of discrimination, harassment, or retaliation; any Respondent; or any witness, except as permitted by, or to fulfill the purposes, of this Policy and/or applicable laws and regulations.

The College reserves the right to determine which College officials have a legitimate educational interest in being informed about student-related incidents that fall under this Policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).

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

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

### **Unauthorized Disclosure of Information**

Parties and Advisers are prohibited from disclosing information obtained by the College through the Resolution Process, to the extent that information is the work product of the College (meaning it has been produced, compiled, or written by the College for purposes of its investigation and resolution of a Complaint), without authorization. It is also a violation of College Policy to publicly disclose institutional work product that contains a party or witness's personally identifiable information without authorization or consent. Violation of this Policy is subject to significant sanctions.

## **17. Emergency Removal/Interim Actions/Leaves**

The College can act to remove a student Respondent accused of discrimination or harassment from its education program or activities, partially or entirely, on an emergency basis when an individualized safety and risk analysis has determined that an imminent and serious threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by the Director of Institutional Equity and may be done in conjunction with the Student Support and Intervention Team (for students) or the Threat Assessment Group (for employees) using its standard objective violence risk assessment procedures. Employees are subject to existing procedures for interim actions and leaves.

## **18. Federal Timely Warning Obligations**

The College must issue timely warnings for reported incidents that pose a serious or continuing threat of bodily harm or danger to members of the College community.

The College will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

## **19. Immunity**

The College community encourages the reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to give Notice to College officials or participate in resolution processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons.

It is in the best interests of the College community that Complainants choose to give Notice of misconduct to College officials, that witnesses come forward to share what they know, and that all Parties be forthcoming during the process.

To encourage reporting and participation in the process, the College may offer Parties and witnesses immunity from minor policy violations, such as underage alcohol consumption or the use of illicit drugs, related to the incident. Granting immunity is a discretionary decision made by the College, and immunity will not apply to more serious allegations, such as physical abuse of another or illicit drug distribution.

## **20. Federal Statistical Reporting Obligations**

Certain institutional officials (those deemed Campus Security Authorities) have a duty to report the following for federal statistical reporting purposes (Clery Act):

- 1) All "primary crimes," which include criminal homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, and arson
- 2) Hate crimes, which include any bias-motivated primary crime as well as any bias-motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property
- 3) Violence Against Women Act (VAWA-based crimes), which include sexual assault, domestic violence, dating violence, and stalking<sup>2</sup>
- 4) Arrests and referrals for disciplinary action for weapons law violations, liquor law violations, and drug law violations

All personally identifiable information is kept private, but statistical information regarding the type of incident and its general location (on- or off-campus or in the surrounding area, but no addresses are given) must be shared with Public Safety for publication in the Annual Security Report and daily campus

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<sup>2</sup> VAWA is the Violence Against Women Act, enacted in 1994 and codified in part at 42 U.S.C. §§ 13701 through 14040.

crime log. Campus Security Authorities include student life/student conduct staff, campus law enforcement/public safety/security, local police, coaches, athletic directors, residence life staff, student activities staff, human resources staff, advisers to student organizations, and any other official with significant responsibility for student and campus activities.

## **21. Independence and Conflicts of Interest**

The Director of Institutional Equity manages the Nondiscrimination Team and acts with independence and authority, free from bias and conflicts of interest. The Director of Institutional Equity oversees all resolutions under this Policy and these procedures. The members of the Resolution Pool are vetted and trained to ensure they are not biased for or against any party in a specific Complaint, or for or against Complainants and/or Respondents, generally.

To raise any concern involving bias, conflict of interest, misconduct, or discrimination by the Director of Institutional Equity, contact the College's President at [president@lafayette.edu](mailto:president@lafayette.edu). Concerns of bias, misconduct, discrimination, or a potential conflict of interest by any other Resolution Pool member should be raised with the Director of Institutional Equity.

## **22. Revision of this Policy**

This Policy succeeds previous policies addressing discrimination, harassment, and/or retaliation. The Director of Institutional Equity reviews and updates this Policy and related procedures regularly. The College reserves the right to amend this Policy as necessary, and once those changes are posted online, they are in effect.

If applicable laws or regulations change in a way that impacts this Policy, this Policy will be interpreted in a manner to ensure the College complies with the law.

This Policy does not create legally enforceable protections beyond the protections of applicable state and federal laws that underlie this Policy.

This Policy is effective January 27, 2025.

*BASED ON THE ATIXA 2024 ONE POLICY, ONE PROCEDURE (1P1P) MODEL.  
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