

FRANKLIN & MARSHALL

**THE
FRANKLIN & MARSHALL
COLLEGE LIFE
MANUAL**

2017-2018

The Franklin & Marshall College Life Manual, 2016-2017

The College Manual is a fluid document, and may be revised or augmented from time to time in the sole discretion of the College. It is not a complete statement of all College policies, practices, or expectations, or a contract between the College and its students; rather, it is a document to assist students in understanding the operations and procedures of the College so that they may in turn take full advantage of the opportunities available to them. Questions regarding the content of the College Manual may be initially directed to the Office of the Dean of the College.

****Title IX Notification****

I. Overview of College Life

1. Office of the Dean of the College
 - a. The College House System
 - House Dons and Deans
 - House Seminar Rooms
 - House Governance
 - House Initiatives
 - b. Allies Resource Center
 - c. F&M Student Wellness Center
 - d. Counseling Services at the Student Wellness Center
 - e. Athletics and Recreation
 - f. Office of Student Engagement and Leadership
 - g. Disability Services
 - h. Fraternity and Sorority Life
 - i. Multicultural Affairs
 - j. Office of Student and Post-Graduate Development
 - k. Religious and Spiritual Life
 - l. The Ware Institute for Civic Engagement
2. Additional Services
 - a. The Alice Drum Women's Center
 - b. Business Office
 - c. College Bookstore
 - d. Facilities and Operations
 - e. Identification Card Office
 - f. Information Technology Services
 - g. Technology Support Services (TSS)
 - h. Instructional and Emerging Technologies Instructional and Emerging Technologies (IET)
 - i. International Programs
 - j. Public Safety
 - k. Registrar
 - l. Writers House
 - m. Writing Center
3. Clubs and Organizations
4. The Arts
 - a. Musical Performance
 - b. Theatrical Performance
 - c. Dance Performance
 - d. Film Production

- e. Literary Magazines
- f. Visual Art Displays

II. College Governance and Administration

1. Trustee Committees
2. College Standing Committees
3. Faculty Council Committees
4. Presidential Committees
5. Committees Appointed by the Provost

III. Student Rights, Freedoms and Responsibilities

1. In the Classroom
 - a. Protection of Freedom of Expression
 - b. Appeal of Grade by Students (See the *Catalog*)
 - c. Protection Against Improper Disclosure
2. Student Records
3. Student Participation in Governance
4. Engagement with the Academic Process
5. College Policies
 - a. The Student Code
 - b. Disciplinary Proceedings
 - Investigation of Student Misconduct
 - o Student Rights
 - o Investigative Meetings
 - o Searches
 - o Responsibilities of Residents
 - o Greek Housing
 - Administrative Disciplinary Procedures
 - Appeal of Administrative Discipline Decisions
 - Committees on Student Conduct Hearing Procedures
 - Process
 - Procedures
 - Appeals of the Committee on Student Conduct Decisions
 - General Provisions
 - c. Disciplinary Actions and Penalties
 - Warning or Educational Intervention
 - Reprimand
 - Disciplinary Probation
 - Suspension
 - Expulsion
 - College-owned Residential Facilities Separation
 - Restitution
 - Suspension of Community Involvement Privileges

- d. Hazing Policy
- e. No Contact Procedure
- f. Sexual Misconduct/Discrimination/Harassment Policy
 - Where and How to File a Complaint or Confidential Report-Or Receive Help Deciding What to do
 - Definitions
 - Warning Signs of Sexual Misconduct
 - Amnesty Policy in Relation to Reporting of Sexual Misconduct
 - Mandated Reporting of Sexual Misconduct
 - Two Choices for Resolution Following a Formal Complaint Made to the College
 - Mediation
 - Filing a Formal Judicial Complaint
 - What Happens After you have Decided to File a Judicial Complaint with the College?
 - Meeting with the Title IX Coordinator
 - Writing the Complaint
 - Informing the Respondent
 - Remedies for the Complainant will be Determined
 - Investigation
 - Conclusion of the Investigation and Referral of the Complaint to an Administrative Re-view, Judicial Hearing, or Dismissal of the Complaint
 - Hearing Procedures, Step-by-Step
 - Hearing Preparation Timeline
 - Appeals of Sexual Misconduct Committee Decisions
 - Additional Information Regarding Policies and Procedures
 - Sexual Misconduct - A Review of Resources
 - What to do if You Have Been Sexually Assaulted
- g. General Alcohol and Drug Policies
- h. Weapons Policy
- i. Fire Safety Policies
- j. Identification Card Policies
- k. Loss or Damage to Personal Property
- l. Lancaster City Noise Control

- 6. Other College Policies
 - a. College Houses
 - b. Canvassing and Commercial Enterprises
 - c. Cooking and Appliances
 - d. Lockouts
 - e. Pets

- 7. Residential Life
 - a. Room Changes
 - b. Room Condition
 - c. Smoking Policy
 - d. Damages
 - e. Keys
 - f. Pictures/Ornaments
 - g. Pests/Bugs
 - h. Furniture
 - i. Room Condition/Issues
 - j. Contracts

8. Withdrawals and leaves of absence
9. Health Leaves and Policies
 - a. Class Absence Notification Policy
 - b. Short Term Medical Leave
 - c. Additional Policy
10. Non-Smoking Policy
11. Parking and Motor Vehicles
 - a. General Statement
 - b. Motor Vehicle Registration
 - c. Campus Speed Limit
 - d. 24-Hour Student Parking
 - e. Off-Campus Parking
 - f. On-Campus Parking
 - g. Parking and Driving Penalties
 - h. Regulations on Other Vehicles
 - i. Bicycle Registration
 - j. Car Sharing

TITLE IX NOTIFICATION

In accordance with Title IX of the Education Amendments of 1972, which prohibits a college from discrimination based on sex, Franklin and Marshall College does not discriminate on the basis of sex or gender in its educational programs and activities.

Inquiries concerning the application of Title IX may be referred to the Title IX Coordinator, Janet Masland, Franklin & Marshall College, Lancaster, PA 17604, telephone number 717-358-7178, email address Janet.Masland@fandm.edu. Inquiries or complaints may also be directed to the Office for Civil Rights, Philadelphia Office, U.S. Department of Education, 100 Penn Square East, Suite 515, Philadelphia, PA 19107-3323, telephone number 215-656-8541, fax 215-656-8605, email address OCR.Philadelphia@ed.gov. Please see the Sexual Misconduct/Discrimination/Harassment Policy in this manual for further information regarding Title IX.

I. OVERVIEW OF COLLEGE LIFE

1. Office of The Dean of the College

The Office of the Dean of the College places student learning at the center of its work. Consistent with the College Mission, the programs and offices under the Dean of the College educate students as they discover and explore a love of learning, the skills of critical thinking, the role of citizenship in their lives and the values of civility. The Office of the Dean of the College exercises oversight for the departments listed below.

a. The College House System

College Houses provide a crucial crossroads for faculty, students, distinguished visitors and alumni/ae. They are a “third space,” neither classroom nor residential hall, that fills a need intimately connected with the nature of a liberal arts education. The House System offers faculty and students a setting for chance encounters and informal moments as well as scheduled opportunities that spark students’ potential, engage their intellectual imaginations and connect them with alumni/ae and current and future notables in environments that are stimulating, comfortable and educational in the deepest sense.

The Houses are the meeting ground where students can interact and network among the extended College family. On any given day, students might encounter a government official, visiting alumni/ae, distinguished scholars, candidates interviewing for positions at the College, faculty hosting small discussions, or CEOs looking for talent. Students will create and host social events that bring them together with other members of the house and with the extended college community.

In these ways, the House environment integrates thoughtful deliberation and intellectual exploration into students’ daily lives. This frequent engagement with ideas and the cultivation of one’s own views will help students to form habits of thought and analysis that will vitalize their professional and personal lives. There are currently five College Houses: Bonchek, Brooks, New, Ware and Weis College Houses.

House Dons and Deans

A House Don and a House Dean oversee each College House. Members of the Faculty, the House Dons provide leadership in fostering the intellectual life of the Houses. As members of the Administration, the House Deans work closely with House residents on a daily basis in a variety of capacities. The Dons and the Deans advise the students who conduct house governance and programming. Both the Dons and Deans occupy office space in the Houses.

House Seminar Rooms

House Seminar Rooms serve as meeting spaces for many first year Connections courses. This classroom component introduces students to skills of critical reading, critical thinking, oral communication and information literacy. At the same time, the members of a first-year Connections course typically live together in the same College House. Frequently, discussions of substance about ideas move between the classroom and informal living environment of the Houses.

House Governance

The structure and governance of each House is based on the explicit acknowledgment that students should govern many aspects of their social and residential life. When the Houses were founded, students proposed, discussed, amended and ratified governance structures that determined how each house is to be run. Students create and enforce rules of conduct for each house. This degree of student autonomy demands strong student leadership and requires that each student assume some responsibility for the success of the daily living environment.

Governed only by broad College policies, students lead a College House and control its social activities and programming budget. Faculty Dons and House Deans set the tone for the house, and guide and teach students as students experience the challenges of leading others, negotiating agreements and resolving conflicts.

Members of the Houses form teams that participate in intramural and recreational sports. Finally, the residents and their advisers also conduct a New Student Orientation that introduces each new generation of students to the culture and traditions of the House and the intellectual community that is Franklin & Marshall College.

House Initiatives

Since their conception, the Houses have encouraged and cultivated a number of initiatives to create opportunities for students to expand their thinking and provide new ways of engaging with the larger college community. Working collectively, the Houses have worked with students in developing *The Liberal Arts Review*, a student-led publication that

addresses topics such as identity and freedom. The Junto Society, similar to the one Benjamin Franklin formed, encourages intellectual curiosity and civil discussion through a series of meetings throughout the years.

b. Allies Resource Center

The Allies Resource Center (ARC) organizes educational, cultural and social activities for lesbians, gays, bisexual, transgender students and their allies on campus. Examples include volunteering for the Lancaster Pride Committee, co-hosting Women's Center lunch-time discussions on LGBTQA topics, Safer Sex Seminars, special events for National Coming Out Day and an annual Gender Bender Ball. The Center is also a resource for students, faculty and professional staff and houses books, videos, brochures, magazines and journals. The ARC Coordinator acts as an advocate and provides support and assistance to students, both one-to-one and as adviser to the Lesbian, Gay, Bisexual, Transgender and their Allies (LGBTQA) student organization.

c. F&M Student Wellness Center

The mission of the F&M Student Wellness Center is to support students' academic and social wellbeing by providing them with accessible, high quality ambulatory medical services, including treatment for acute and chronic health problems, preventive medicine, sports medicine, travel medicine and health education. The staff recognizes the unique opportunity of college health to affect not only the present but also the future health of students and therefore engages them in promoting lifelong wellness.

d. Counseling Services at the F&M Student Wellness Center

Counseling Services promotes and fosters the academic, personal and interpersonal development of students by providing a full range of counseling and psychological services to students desiring assistance in coping with personal and emotional difficulties, social relationships, career and educational concerns and substance abuse issues. Students face a variety of challenges during their college career. Counseling Services is available to help students meet these challenges and take full advantage of the many opportunities afforded to them in the Franklin & Marshall community. The counseling process helps students learn more about themselves, overcome obstacles, identify and develop coping strategies and emerge with enhanced self-confidence.

e. Athletics and Recreation

The athletic program at Franklin & Marshall promotes liberal learning in the fullest sense by complementing the academic mission of the College. This objective is accomplished through a variety of programs: intercollegiate, intramural and club sport competition as well as recreation and wellness activities. The Department upholds the principles of valuing athletics, ensuring departmental integration and staff recognition, pursuing academic representativeness and student-athlete recognition, instilling community values and promoting recreation.

Franklin & Marshall is a member of the Centennial Conference and the Eastern Collegiate Athletic Conference, where most of its teams compete at the NCAA Division III level. The non-scholarship Division I wrestling program is a member of the Eastern Intercollegiate Wrestling Association (EIWA). Rowing is a member of the Middle Atlantic Rowing Association (MARC) and squash competes in the College Squash Association (CSA).

f. Office of Student Engagement and Leadership

The Office of Student Engagement and Leadership supports the College's commitment to student learning, promoting engagement and participation in the social, cultural and intellectual life of the College while instilling in students the capacity for both independent and collaborative action. In its work advising student organizations, the Office fosters qualities of character, civility and critical thinking. The student involvement and leadership development opportunities offered through the Office form an integral component of each student's educational experience.

The Office of Student Engagement and Leadership helps student organizations in many areas, including planning, fund-raising, publicity and programming. The Office of Student Engagement and Leadership also aids the reactivation and recognition of new clubs in addition to the registration and support of active ones.

The Office's staff works closely with the Dons and Deans of the College Houses, executive members of clubs, and the Office of Fraternity and Sorority Life.

g. Office of Student Accessibility Services

In accordance with equal education opportunity laws, Franklin & Marshall College arranges to provide appropriate reasonable academic accommodations for students whose disabilities limit their participation in academic programs for which they are qualified. Issues considered by the Office of Student Accessibility Services include ADHD, learning disabilities, medical conditions and psychological disabilities. Appropriate academic accommodations are determined on an individual basis, utilizing the required documentation of the disability.

The Office of Student Accessibility Services coordinates services and accommodations to meet the needs of students with disabilities that limit their participation in the programs and activities of the College. Every student at the College has the opportunity to complete a Disability Notification Form, available throughout the year at Office of Student Accessibility Services or online. The College considers information provided on this form as confidential and uses it to provide appropriate accommodations for qualifying students.

h. Fraternity and Sorority Life

Established in 1853, the Greek System at Franklin & Marshall College is rich in tradition and continues to thrive. Membership in a Greek organization has provided students with opportunities for growth, self-authorship and the development of necessary life skills that have contributed to productive and meaningful experiences during and after a student's career at Franklin & Marshall College.

Fraternities and sororities are values-based organizations dedicated to the development of character and friendship. Greek organizations offer leadership positions, community service projects, academic excellence programs and a close-knit group of friends. Fraternity or sorority membership carries academic, moral and social responsibilities that encourage the development of well-rounded individuals. Membership in a Greek organization helps students make the most of their college experience by joining together with people who share similar interests and ideals.

i. Multicultural Affairs

The Office of Multicultural Affairs (OMCA) works to ensure the advancement of the College's mission as it relates to diversity. It strives to cultivate multicultural students' leadership, heighten cultural awareness and provide diversity education to our constituents. It aims to initiate, support and advocate approaches that can transform the F&M environment into one that fosters in its members a desire to embrace diversity and learning across cultural boundaries with respect, acceptance, civility and humility. OMCA directs the Gray Scholar Program for students with a record of community service and hosts weekly Intercultural Dialogues. OMCA supports multicultural student organizations in a variety of ways from advising to funding, and reaches out to multicultural alumni groups.

j. Office of Student and Post-Graduate Development

The Office of Student & Post-Graduate Development (OSPGD) at Franklin & Marshall College prepares students to launch into their lives and careers after graduation and supports them as alumni in the years which follow through: career advisement services, graduate/professional school selection and application support, educational programming, personal and professional skill development, and provision of internships, experiential learning and employment opportunities.

k. Religious and Spiritual Life

Franklin & Marshall offers support to all religious traditions represented at the College. Some of the student clubs have guest volunteers who represent local congregations or national organizations. These volunteers are not staff of the college. We encourage all students to connect with the Director of Faith & Meaning or the Director of the Klehr Center for Jewish Life for questions regarding religious and spiritual life on campus.

1. The Ware Institute for Civic Engagement

The Ware Institute empowers students by fostering high-quality transformative experiential learning opportunities. Founded on the belief that a commitment to purposeful civic engagement is central to a liberal arts education, the Ware Institute for Civic Engagement serves as F&M's hub for identifying and sustaining community partnerships that address real needs. Acting in this capacity, the Institute builds relationships between community partners and Franklin & Marshall College, supports student-led service initiatives and collaborates with faculty in community-based-learning coursework. By so doing, the Institute furthers the College's commitment to developing socially responsible graduates.

The Ware Institute for Civic Engagement was founded in November 2000 through a generous gift from Trustee Paul W. Ware '72. What began in 1984 as part of the Campus Ministries/Religious Life initiatives of the College, the Ware Institute for Civic Engagement now provides students, as well as faculty and staff members, with an extensive list of opportunities to volunteer or otherwise engage in the larger Lancaster community and beyond. Among the Ware Institute's flagship programs are the Public Service Summer Internship (PSSI) program, F&M Works in Lancaster, and Putting It Together (PIT) in the Community, a one-week pre-Orientation program.

Community-based learning (CBL) courses integrate meaningful community service with instruction and reflection to enrich our students' learning experience, teach civic responsibility and strengthen communities. Several CBL courses are offered each semester and include opportunities to work on issues facing the local communities including political asylum and immigration issues, environmental and health issues, education and health care.

2. ADDITIONAL SERVICES

a. The Alice Drum Women's Center

The Alice Drum Women's Center was established in 1992 to encourage dialogue on women's and gender issues, to advocate for women and to promote equality and mutual respect on campus. The Center, which is open to all, sponsors events and programs that educate the campus about women's contributions to society, serves as an advocate for the needs and concerns of women, offers referrals to other campus and community services, provides resource materials on women's issues, sponsors support programs for women and empowers both male and female students to work for a future free of sexism.

In partnership with a variety of groups on campus, the Center sponsors special displays and free literature in its lobby on health-related issues and on sexual assault prevention and dating and domestic violence. The Center also maintains a large collection of books on feminism and women's history, women's achievements in a variety of fields and issues affecting women such as domestic violence, poverty, employment discrimination, sexual harassment, etc. Books can either be checked out or used at the Center.

The Center also does outreach to women's groups in the Lancaster community and maintains close relationships with organizations such as the YWCA and Domestic Violence Services of Lancaster.

b. Business Office

The Business Office manages student payroll, student accounts, and student receivables. It also provides cashier services and emergency loans.

c. College Bookstore

The Franklin & Marshall College Bookstore, located in Distler House, provides numerous services to students. It allows students to purchase all of their course texts — rentals, eBooks, used and new — either in the store or through online orders. The store may buy back used books from students at any time of year and allows for returns to accommodate changing course schedules. The bookstore also sells school supplies, general reading and reference books, dorm life necessities and college apparel and gifts.

d. Facilities and Operations

Facilities and Operations (F&O) primary mission is to proactively support the living, learning and working experiences of the campus community, neighbors, and guests. F&O service includes Construction Services, Mechanical Trades, Building Trades, Key Shop, Grounds Maintenance including College Vehicle Maintenance, Custodial Services, Conference Service and the Service Response Center.

The Service Response Center is responsible for coordinating and scheduling all maintenance activity, communicating status updates to the campus, soliciting feedback on the quality of service provided, and allocating resources of the department to best service the mission of Franklin & Marshall College. For more information contact the Service Response Center at (717)358-3900, repairs@fandm.edu, or www.fandm.edu/facilitiesoperations.

e. Identification Card Office

The Franklin & Marshall College Identification Card Office is located in the Steinman College Center. Franklin & Marshall ID cards are issued to all students, both full-and part-time, for the regular academic year. The card serves 1) as a photo ID card (which is required to be shown for various purposes on campus), 2) to access meals from a purchased College meal plan at a dining venue on campus, 3) to access flex dollars from the purchased College meal plan at a dining venue on campus, and 4) to borrow Library books.

The ID card provides the owner with the availability to create a declining balance account; Ben's Bucks allows for cash deposits to be placed on the card and functions as a debit card. Amounts deposited transfer from semester to semester and year-to-year; balances available at the time of graduation will be credited to student's account. Ben's Bucks can be used on campus at all dining venues and the bookstore. Ben's Bucks can only be accessed by use of the card readers at appropriate locations. For more information, please visit www.mybensbucks.com. The card office produces the ID cards and accepts payments for Ben's Bucks, break shuttles to the airports and break shuttle reservations.

f. Information Technology Services

Franklin & Marshall College believes that technology is an important resource for faculty in support of teaching and learning as well as an indispensable tool for scholarship. We want to ensure that our students and faculty are equipped with necessary technology so that they can work together effectively. The College is 100% wireless enabled with a dense wired network in academic departments, offices, and workspaces. The College provides a campus portal (<http://inside.fandm.edu>) as a point of easy access to College-only and personal/confidential information. The College is a G Suite for Education campus, which means that collaboration using Google's Gmail, Google Drive, and other Google tools is easy and cost free.

The use of personal computers is required or recommended in virtually every course taught at the College. Many courses make use of Canvas, the College's learning management system, where students find assignments and submit their papers, journals, and communications electronically to their professors. Many students have reported that they appreciate when faculty also make use of the electronic gradebook features in Canvas. The idea of "one person, one computer" has met with broad acceptance at Franklin & Marshall as over 95% of current students' report having a computer. While approximately 80% of students elect to bring a Macintosh computer, the College is platform agnostic, being sensitive to the ability of students and families to provide computer resources. In addition to personal computers, there are public computers available in the libraries, the Kreisel Innovation Zone, and several other locations on campus. All College-provided resources can be used with either platform, with a few exceptions for software applications that a vendor has produced for only one platform. The College has acquired site licenses for Microsoft Office (Word, Excel, PowerPoint), Adobe Creative Cloud, Qualtrics, WebEx, and other essential software tools.

g. Technology Support Services (TSS)

Technology Support Services, a team within Information Technology Services, and located in the Patricia E. Harris Building for Public Policy, is dedicated to helping the entire College community use computer technology effectively and easily.

The ITS Help Desk provides technology support by telephone, e-mail (helpdesk@fandm.edu), and through an auto-mated ticketing system (helpdesk.fandm.edu). Information about our services is available on [Inside F&M](http://inside.fandm.edu) (inside.fandm.edu) under the Campus Services tab. On this page you will find a link for “Technology Resources for Students and Employees”. The ITS Help Desk will assist with software applications and configurations. If a student has a problem with their computer hardware, there are repair shops in close proximity to the College.

TSS operates the Technology Lending Center, also located in the Innovation Zone. The Center offers students, as well as employees of the college, short term loan of technology equipment, such as computers and digital cameras. Information about the Technology Lending center is available at <http://fandm.edu/tlc>.

TSS supports Technology in the Classroom. TSS manages a wide variety of technically sophisticated facilities across the campus, including Technology Enhanced Classrooms. You can learn more about these spaces at <http://fandm.edu/its/tec>.

The Innovation Zone also provides a study and collaboration area for students. The space has creative lighting, large interactive displays, desktop computers, and comfortable seating all combining to form a modern, relaxed atmosphere perfect for individual or group study or just to relax and talk. The Innovation Zone opens early and closes late.

h. Instructional and Emerging Technologies Instructional and Emerging Technologies (IET)

Instructional and Emerging Technologies, a team within Information Technology Services and located in the Shadefackenthal Library, is dedicated to promoting and supporting the integration of technology into the College curriculum in support of teaching and learning. IET consults and collaborates primarily with College faculty in the evaluation, experimentation, and adoption of technology-based solutions that have the potential to support and enhance instruction, comprehension, or research. Instructional and Emerging Technology staff, working in close partnership with the library, offer a wide range of services, a few examples of which are:

- Instructional design assistance that leverages technology in support of course objectives and course redesign efforts
- Media project design and production
- Support for Canvas and course content distribution
- In-classroom instruction and project support for students such as poster design principles, using blogs for writing assignments/journals, 3-D printing projects, survey tools for data gathering, website design using Google tools, etc.

i. International Programs

The Office of International Programs advises students on study abroad and off-campus study programs, advises international students on immigration and student life, manages summer travel scholarships and coordinates international events, speakers and activities throughout the school year.

j. Public Safety

The Department of Public Safety is a fully accredited Law Enforcement Agency by the Pennsylvania Law Enforcement Accreditation Commission. Members of the Department of Public Safety are sworn police officers with powers of enforcement and arrest.

The Department of Public Safety maintains campus safety through 24-hour service and patrol to enhance the quality of life at Franklin & Marshall College. Select buildings around campus, including College-owned residential facilities, are controlled by electronic access 24 hours a day. CCTV cameras are located around the perimeter of the College and select parking areas.

Public Safety serves a variety of other functions, including responding to medical emergencies and alarm calls, administering campus parking policies, providing a student escort service and giving information to College guests. The office, open 24 hours a day, 365 days a year, is located in Marshall Hall.

The Department of Public Safety consists of director, public safety supervisors, officers and dispatchers, all responsible for the enforcement of criminal and civil regulations and also protecting the property of the College and the property of its community.

k. Registrar

The Office of the Registrar is responsible for handling student records. Among its many services are processing student schedule changes, coordinating class and final exam scheduling, tracking students' progress toward degree, and fulfilling requests for copies of transcripts. The Office of Registrar is located in Diagothian Hall.

l. Writers House

The Philadelphia Alumni Writers House at Franklin & Marshall College provides a home for a great variety of writing-related programs and activities. As both a vibrant community of readers and writers, and a house at 633 College Avenue, the Writers House is a hub for curricular and programmatic innovation on campus and in the city, and it serves as a rich incubator for projects and events of all literary stripes. To implement this ambitious mission, the Writers House features programs and workshops ranging from creative writing, to academic scholarship, to experimental fiction, to broadcast media and journalism; hosts readings and intimate craft talks with eminent and emerging authors; supports student-initiated literary programs and publications; brings visiting writers into the Lancaster City Schools, and more.

m. Writing Center

The Writing Center plays a critical role in the general education curriculum. Located on the second floor of Diagothian Hall, the Center provides assistance and counseling for students working on college writing assignments—from short memos and longer analytic expository essays to lab reports and lengthy term papers. Students may also ask for consultations on oral presentations, in which they can receive advice on how to compose effective PowerPoint slides as well as feedback on full dress rehearsals. A trained staff of student Writing Assistants, who represent a wide range of majors and career interests, helps students discuss and clarify their ideas and also improve their writing styles. Writing Center sessions can address any stage of the writing process, including interpretation of an assignment, formulation of a thesis, organization of supporting evidence and revision. The collaborative sessions can benefit any writer—from the first-year student writing a first college paper to the senior writing an honors thesis.

The Writing Center also offers in-class writing workshops to further encourage excellent writing across the curriculum.

3. CLUBS AND ORGANIZATIONS

Students are encouraged to participate in diverse extracurricular activities. Historically, the College recognizes more than 100 student clubs and organizations, including departmental and professional organizations; ethnic and lifestyle clubs; literary clubs; educational organizations; honorary societies; performing arts clubs; music and vocal groups; political advocacy groups; publications and media clubs; religious organizations; service groups; and other special interest groups. Students are encouraged to form new organizations to meet their own needs and the needs of our campus. The following is a selection of the clubs and organizations that are, or have been, at the College. For more information, please contact the Office of Student Engagement and Leadership. For a complete list of active clubs, please contact that office.

4. THE ARTS

a. Musical Performance

The Music Department's performing ensembles include choruses and instrumental ensembles for which college credit is offered. The Franklin & Marshall College Chorus concentrates on the masterpieces of the choral repertory. The select Chamber Singers performs music of many styles and periods for smaller vocal ensemble. The choral ensembles each perform at least twice a year and are open to all members of the College community by audition at the beginning of each semester.

Instrumental ensembles include the Franklin & Marshall Orchestra (combining the strengths of the student body and the Lancaster community) and the Symphonic Wind Ensemble (which performs literature for both the full ensemble and chamber groups). In addition, the Jazz Band and Chamber Music Society provide opportunities for exploration of more specialized repertoires appropriate to their respective instrumentation and style. Each ensemble performs at least three times a year. The instrumental music program has a commitment to performing music from a variety of periods, with particular interest in premieres of new music. The department also offers a pep band for athletic events. All the ensembles are open to those who are willing to make a commitment and have an interest in making instrumental music.

In addition to private lessons for academic credit, the Music Department administers the Artist-Teacher Program to provide co-curricular private study in applied music. The teachers perform on campus and assist students in the presentation of solo and group recitals. For more information and to ensure a place in the program, students should contact the Music Department before the semester begins.

The Poor Richards is a group of students who sing mixed chorus arrangements. In addition, the Chessmen, an all-male a cappella group and Sweet Ophelia, an all-female a cappella group, both sing a variety of songs that are often arranged by the student members. The groups perform regularly on campus, locally before alumni and civic meetings and at other colleges and universities.

The F&M Players, a student group, directs its own musical comedy.

Sound Horizons, a concert series, offers a broad musical spectrum from the classical repertoire. Programs are held in the Ann and Richard Barshinger Center for Musical Arts in Hensel Hall.

b. Theatrical Performance

Each year, Franklin & Marshall sponsors theatrical performances that are impressive in scope and quality. Performances may be professional or may be student work sponsored by the Theater, Dance and Film Department.

The Roschel Performing Arts Center is the main-stage theater for the Department of Theater, Dance and Film. Performances in the Schnader Theater presented in the Roschel Center are directed and designed by faculty members, with cast and crew selected by audition from the student body. The Green Room Theatre presents productions by both students and faculty, usually in a less formal, experimental context. Course credit is available for some participation in theater productions.

c. Dance Performance

Franklin & Marshall's Dance Programs sponsors full-scale dance productions throughout the year in the Schnader Theater, Roschel Center and Green Room Theatre, as well as performance exchanges with dance programs at other area colleges.

Residencies by major guest-artists include six to eight Master Classes in various dance styles throughout the year, workshops in dance reconstruction, lecture-demonstrations and guest performances. Two dance studios in the Roschel Center serve as classrooms and rehearsal spaces and the larger studio doubles as a fully functional theater for small dance productions. Additionally, the Franklin & Marshall Dance Company, Dance Club and Dance Team offer numerous opportunities for student choreography, performance and support of dance activities.

d. Film Production

In addition to the regular video production courses offered by the Film Program, a student video/media club sponsors and supports extracurricular student video production with its own pool of digital equipment. Student video productions are shown in the Green Room Theatre. Other opportunities for video production include live multiple-camera recordings of all main-stage productions, regular stage-screen and dance-video collaborations and a pioneering community media laboratory.

e. Literary Magazines

Prolog is Franklin & Marshall College's Literary and Arts Magazine, open to submissions from any students enrolled at the College. It bi-annually publishes works of fiction, poetry, creative non-fiction and art. The student editorial staff elects published authors and professional artists to choose outstanding submissions for awards.

Plume is Franklin & Marshall College's Foreign Language Literary magazine, open to submissions from any members of the College and its community. It publishes a magazine each spring containing poems and short stories in diverse languages with English translations accompanying each.

f. Visual Art Displays

The Phillips Museum of Art, located on three floors of the Steinman College Center, houses four distinct galleries. The Nissley Gallery, at the main entrance of the Museum features objects from the permanent collection; the Dana Gallery, also located on the street level, exhibits contemporary solo shows; the Rothman Gallery, located on the level below, features traveling exhibits and student shows; and the Gibson Gallery, on this same level, offers both students and faculty a flexible space to display as well as to examine and study art, and at times features exhibitions curated from the permanent collection.

II. COLLEGE GOVERNANCE AND ADMINISTRATION

Franklin & Marshall College operates under the overall jurisdiction of the Board of Trustees. Three linked but largely discrete branches of governance are centered in the administration, the faculty and the student body. The committees and other decision-making bodies in each branch are organized in different ways, according to their responsibilities and the source of their authority.

The administration reports to the President through Senior Management. Of the College's many committees, only those including student members are mentioned below. A student must be in good academic and disciplinary standing with the College in order to serve on a College committee. For more information, contact the Diplomatic Congress or the Office of the Dean of the College.

1. TRUSTEE COMMITTEES

The **Academic Affairs Committee** is responsible for enhancing trustee understanding of how the academic enterprise functions, in order to help trustees, make informed decisions that will strengthen the liberal arts experience for students at the College. 2 Students

The **Technology Committee** is responsible for the oversight of technology strategies, goals and policies and is charged to encourage excellence in the stewardship of the College's technology investments and resources. 2 Students

The **Advancement Committee** provides policy guidance and oversight for the College's alumni, development, and communications activities. 2 Students

The **Enrollment Committee** provides leadership, counsel, and support in the development and facilitation of long-range enrollment management strategies consistent with the Strategic Plan. 2 Students

The **Buildings, Grounds and Sustainability Committee** is responsible for monitoring the implementation of the Campus Master Plan and the Landscape Master Plan, and reviewing capital and major maintenance plans for the existing plant. 2 Students

The **Student Life Committee** is responsible for providing direction on Strategic Plan initiatives that impact the social and overall quality of life of the College community. 2 Students

2. COLLEGE STANDING COMMITTEES

The **Budget Priorities Committee** (BPC) studies the resources of the College in consultation with the President and advises the President concerning the allocation of resources among competing needs in accordance with the College's long-range plans. 2 students

3. FACULTY COUNCIL COMMITTEES

Faculty Council is the Faculty's elected legislative body that sets the agenda for faculty meetings and conducts the Faculty's business either directly or through the following committees:

The **Committee on Academic Status** (CAS) recommends and implements policies that affect academic standing, dismissal and petitions to exemptions for academic policy. 2 students

The **Committee on Instructional and Research Support** (CIRS) advises Information Technology Services and the College Libraries on matters relating to the use of technology, information resources, space design, and faculty support as part of the academic program of the College. 2 students

The **Committee on Enrollment** advises the Vice President and Dean of Admission and Financial Aid on long-range enrollment policies and procedures and articulates faculty priorities for future incoming classes. 2 students

The **Committee on Athletics and Recreation** advises the Director of Athletics, the Provost or the Provost's designee, and the Faculty Council on appropriate ways to relate athletic, social and academic life. 2 students

The **Committee on the Quality of Campus Life** advises the directors of several administrative offices on policies governing the availability and effectiveness of student educational services, e.g. academic advising, counseling, career services, the registrar and first-year programs. 2 students

The **Committee on Grants** (COG) reviews and evaluates student and faculty proposals for College funds for research and allocates available funds. 1 student

The **Student Conduct Committee** interprets the rules of conduct for the student body and dispenses judgments regarding breaches of those rules. 4 students (one is chair)

The **Curriculum Subcommittee** (CSC) functions as a subcommittee of the Educational Policy Committee. It performs the initial review of course proposals submitted through departments and programs. 2 students

4. PRESIDENTIAL COMMITTEES

The President appoints the following committees with student representation:

The **Public Safety Advisory Committee** is charged with overseeing continuing efforts to improve the safety of our campus and surrounding neighborhoods and identifies additional steps that can be taken to improve F&M's public safety environment. 2 students

The **Campus Sustainability Committee** oversees and guides the College's sustainability efforts, including the implementation of Franklin & Marshall's Sustainability Master Plan. 4 students

The **College Information Technology Committee** advises the President on all significant issues involving Information Technology at the College. 2 students

The **Campus Tree Advisory Committee** advises the President on the planning for and maintenance of the

Caroline S. Nunan Arboretum. The Committee will be responsible for educating the community and facilitating connections between the community and the Arboretum. 1 student

The **College Facilities Committee** advises the President on all significant and strategic issues involving College facilities. 2 students

The **Ad Hoc Committee on Honorary Degrees** solicits nominations from the College community and selects candidates for honorary degree recipients at Commencement or other special academic convocations. 4 students.

5. COMMITTEES APPOINTED BY THE PROVOST

The Provost and Dean of the Faculty, in collaboration with Faculty Council, appoints the following committees with student representation:

The **Campus Advisory on Workplace Safety** functions as a coordinating body for assessing and responding to workplace safety issues in order to reduce overall exposure by employees to accidents and work-related injuries/illnesses. 1 student (must be a student worker)

The **College Exhibitions Advisory Committee** advises the Director on exhibitions in the Phillips Museum of Art and special exhibitions in other prominent interior and exterior campus sites and ensures that appropriate exhibitions of exceptional quality are presented on a regular basis. 2 students

The **Sound Horizons Committee** selects artists to present concerts on campus in the Sound Horizons series. 1 student

The **Committee on Fair Practices** reviews the College's goals, programs and actions to determine if they accord with stated policies against discriminating on the basis of race, religion, color, age, gender, sexual orientation, physical handicap and national or ethnic origin and to insure that they give attention to the special needs of women and minorities. 2 students

The **Common Hour Committee** oversees programming of campus-wide events during the College's weekly common hour. 3 students

The **International and Off-Campus Study Advisory Committee (IOCS)** offers direction and guidance concerning international and domestic off-campus study, approves new programs and exchange agreements and monitors the recommended off-campus program list. 2 students

The **Mueller Fellowship Committee** recommends, selects, invites and plans for a 3-day visit of a distinguished Mueller Fellow each year to meet with students and faculty in classes and seminars. 2 students

The **Committee on Sexual Misconduct** is charged with reviewing campus services, policies, and procedures pertaining to student sexual misconduct to ensure that they are consistent with best practices and implemented effectively. 2 students

III. STUDENT RIGHTS, FREEDOMS AND RESPONSIBILITIES

Franklin & Marshall College is a scholarly community whose aim is to create an environment for human learning. Toward this end, students and faculty working together in close relationship pursue not only knowledge but also wisdom. In their mutual devotion to intellectual discovery, each stimulates the other. The prerequisite for the continuing success of this endeavor is academic freedom—the freedom to teach and learn. As full members of the College community, therefore, students, like faculty, are encouraged to develop their capacity for critical judgment and to engage in a sustained and independent search for truth. The rights, freedoms and responsibilities of students outlined below are essentials for the realization of this goal.

Academic freedom depends for its vitality upon appropriate conditions in the classroom, on the campus

and in the larger community. The responsibility to secure and maintain these conditions is shared by students, faculty and administration.

1. IN THE CLASSROOM

Members of the Franklin & Marshall College faculty, in the classroom and in conference, are expected to encourage free inquiry. Student performance is to be evaluated solely on an academic basis, not on opinion or conduct in matters unrelated to academic standards.

a. Protection of Freedom of Expression

Students are responsible for learning and demonstrating an understanding of the content of any course of study in which they enroll. Furthermore, students are free to express careful and reasoned criticism of data and opinion offered in any such course.

b. Appeal of a Grade by Students (See the *Catalog*)

c. Protection Against Improper Disclosure

Information about student views, beliefs and political associations which professors, administrators and staff acquired in the course of their work is to be considered confidential. Protection against improper disclosure of this information is a serious professional obligation. As committee members or as employees of the College, students also may often find themselves obligated to avoid improper disclosure of confidential personal information.

Judgments of personality, ability and character of students may be provided by faculty or administrators under appropriate circumstance. Normally, responses to requests for references are to be made with the knowledge or consent of the student, although the substance of such response may be held confidential. In listing references on graduate school applications, job applications, etc., it is the individual student's responsibility to obtain permission from his or her recommenders to use their names and to give those persons' permission to release personal information about him or her.

It is recognized that judgment on the part of College faculty members and administrative officers is called upon in responding to inquiries. The College wishes to be helpful to its students in career opportunities or employment, but it carries a moral and professional obligation to be complete and candid in evaluations. It may also on occasion be appropriate for the College to respond to inquiries about a student without a formal authorization from the student; a student applying for a sensitive governmental post, for example, does so in the knowledge that his or her background will be investigated and therefore can be assumed to have given consent to respond to inquiries. College officials may thus feel free to respond to such inquiries but need not feel obligated to do so.

In virtually no situation, however, will College records be opened to inspection by inquirers or investigators except under legal compulsion. Information other than the student's attendance dates at the College, degrees earned, or home or local addresses is normally not made available unless permission has been received from the student or in cases in which the safety of persons or property may be endangered. If in response to subpoena the College is required to release information from any records, the College will endeavor to inform the student.

2. STUDENT RECORDS

Franklin & Marshall College has a policy of maintaining academic, disciplinary, health and financial records for its students. The recording of such information is necessary to protect the rights of both the student and the College, and while the student is in residence or consulting the College about his or her plans, such records are valuable in the College's basic purpose of facilitating the student's development as an educated person.

The College is mindful that student records in general should be held in a relationship of confidentiality between the student and the institution. Although students may not request that a record be withdrawn, destroyed, or improperly altered, they may appropriately expect the College to release confidential information only with their prior knowledge and consent, except under unusual circumstances described above titled "Protection Against Improper Disclosure."

3. STUDENT PARTICIPATION IN GOVERNANCE

Franklin & Marshall College observes a form of collegial responsibility in the governance of academic and other campus affairs. The College encourages student participation in campus governance, particularly through the processes of the Diplomatic Congress and the College House governments.

4. ENGAGEMENT WITH THE ACADEMIC PROCESS

It is the expectation of the College that an enrolled student will remain fully engaged with their academic program. If a student fails to meet their academic requirements (class attendance; communication with faculty and/or deans, administrators, etc.), s/he may be placed on an involuntary leave of absence.

5. COLLEGE POLICIES

Attendance at Franklin & Marshall College is a privilege, not a right. The College reserves the right to impose discipline up to and including expulsion from the College when it determines that a student has engaged in conduct inconsistent with the expectations, or objectives of the College, whether that conduct occurs on or off Campus. Those expectation and objectives of the College include, but are not limited to, the requirements of the Student Code as delineated below.

The College further expects all of its students, student groups and organizations to follow College policies and expectations, as well as local, state and federal laws and regulations.

a. The Student Code

A student who is found to have engaged in the following conduct, or is found to have aided or assisted any other person in committing any of the following acts, while on or off the College Campus, or has been charged and/or found guilty of a summary offense/citation, misdemeanor or felony in or outside Lancaster County, shall be subject to sanctions authorized by the Student Code. Elected and appointed leaders of student organizations and athletic teams may be held accountable for the behavior of the group as a whole or of individual members acting for the group. Prohibited acts include:

1. Conduct which is unbecoming of a Franklin & Marshall student. Examples include, but are not limited to, lewd or indecent behavior (or sponsorship thereof); physical or verbal abuse or assault; threats; intimidation; harassment; coercion; and other conduct that threatens, instills fear, or infringes upon the rights, dignity, and integrity of any person.

2. Academic Misconduct, including, but not limited to, all forms of cheating and plagiarism. Academic misconduct further includes providing or receiving assistance in a manner not authorized by an instructor in the creation of work to be submitted for academic evaluation including papers, projects and examinations; failure to obtain prior written permission of the relevant instructors to submit any work that has been submitted in identical or similar form in fulfillment of any other academic requirement at any institution; failure to comply with all College research policies (including, but not limited to, the College's policy on Human Subjects); presenting, as one's own, the ideas or words of another person or persons for academic evaluation without proper acknowledgment; unauthorized duplicate submission of papers or other work; and infringing upon the rights of others to fair and equal access to library materials. For more information regarding the College's academic policies please visit the following web pages: [Human Subject Policy & Research Involving Animal and Human Subjects.](#)

The College relies upon a variety of means to uphold the principles of academic integrity, including the use of services to evaluate papers for plagiarism. *Students are reminded that a concern of academic dishonesty will be based on what the student submits for evaluation, not what they intended to submit.* See “Academic Honesty,” in the *Catalog*, for further explanation.

3. Attempted or actual theft of, or misappropriation of, property and/or services, including attempted or actual damage to property.
4. Purposely providing false, inaccurate, or misleading information to a College official(s), faculty member(s), or the Committee on Student Conduct.
5. Failure to comply with the reasonable request of a College official(s) or faculty member(s), including a request to identify oneself or honor the terms of a College or court-ordered no-contact agreement/order
6. Behavior which endangers the health and safety of oneself or others. Examples include, but are not limited to, tampering or interfering with, as well as destroying or misusing, fire safety equipment; the possession of firearms, explosives, other weapons, or dangerous chemicals; unauthorized climbing on College buildings and structures; throwing objects out of windows; and the reckless operation of a motor vehicle.
7. Violation of federal, state, or local statutes, codes, or regulations.
8. Disruption of the orderly processes of the College, involving obstruction of teaching, research, administration, disciplinary proceedings, or other College activities, including its public-service activities. Actions disruptive to the orderly processes of the College include, but are not limited to:
 - a. Unauthorized entry into, or occupation of a private office, College or College-associated residence, work area, a teaching, library, or social facility.
 - b. Failure to abide by the operating regulations of academic and non-academic offices, centers, unions, class-rooms, libraries, laboratories, and other College buildings.
 - c. Unauthorized possession, duplication or use of keys or access cards to College premises, or tampering with locks to College buildings.
 - d. Conduct that restricts or prevents College employees from performing their duties.
 - e. Excessive or extreme noise, the display of offensive banners/objects, or the throwing of objects which prevents or disrupts the effective execution of a College function or approved activity, including classes, lectures, meetings, interviews, ceremonies, athletic events, and public functions.
 - f. Failure to engage in the academic processes and programs of the College.
9. Installing or using any device for listening to, observing, photographing, recording, amplifying, or transmitting sounds or events where the individual/group involved has a reasonable expectation of privacy, without consent of all persons involved. The recording or photographing of a recognized group’s proceedings, performances, classes, lectures, programs, workshops, or other similar events without the specific authorization of the sponsoring organization, faculty member, speaker, or other party related to the event.
10. Unauthorized membership. This includes but is not limited to rushing, pledging, joining, or maintaining membership in a Greek organization that is not recognized by the College. It also includes living in a house or apartment run by or on behalf of an unrecognized Greek organization.
11. Failure to comply with any Franklin & Marshall policy delineated in this College Manual or elsewhere and including, but not limited to, the following specific policies:
 - a. Franklin & Marshall College Fraternity Membership Policy
 - b. Franklin & Marshall General Alcohol and Drug Policy
 - c. Lancaster City Noise Control Ordinance
 - d. Franklin & Marshall College Information Technology Policies Acceptable Use Policy
Network Security

- Policy
- Wireless
- Network
- Policy
- Password
- Policy
- Copyright & Fair Use
- Policy Music and
- Movie Download
- Policy
- e. Franklin & Marshall College Residential Life Policies
- f. Franklin & Marshall College Sexual Misconduct Policy
- g. Franklin & Marshall College Sexual Harassment Policy
- h. Franklin & Marshall Hazing Policy
- i. Franklin & Marshall Policy on Discrimination
- j. Franklin & Marshall Weapons Policy
- k. Franklin & Marshall College Houses Policies
- l. Franklin & Marshall College Fire Safety Policies

b. Disciplinary Proceedings

Student discipline at the College utilizes two general processes: (1) Administrative Review by the Office of the Dean of the College. The procedures for each are described below. (2) The Committee on Student Conduct, as engaged by the Office of the Dean of the College or member of the College community.

- Investigation of Student Misconduct

- *Student Rights:* The Office of the Dean of the College or its designee conducts investigations of allegations of student misconduct. Students involved in any investigation are reminded that the Student Code requires that they be truthful at all times, that failure to do so may result in disciplinary sanctions, and that they must cooperate with any investigation by the College.
- *Investigative Meetings:* Investigative meetings are closed meetings and, absent extraordinary circumstances, only the investigating officers and the involved student(s) can be present.
- *Searches:*
 - *Search by Non-College Civil Authorities.* College premises* occupied by students and the personal possessions of students will not be searched by civil authorities without the authorization of a judicial authority unless the student consents to the search. While civil authorities may ask College officials to be present during a search authorized by appropriate court order, the College may have no authority to contest such a search. The Department of Public Safety is not considered a non-College Civil Authority for purposes of a search of College premises.
 - *Search by College Administration.* For College premises, * application must be made to the Dean of the College before a search is conducted by a member of the administration. This application must specify the reasons for the search and the particular objects or information sought. The student should be present, if possible, during the search. Normally, the College may not remove a student's personal property from the student's room, but this provision shall not be interpreted to permit or excuse the use or storage in the student's room of equipment, property, or materials disallowed in the Room and Food Service Contract or policy statements of the College.

* College Premises shall include all College-owned properties as well as College Row Apartments, College Hill Apartments, JSP Houses and College-Approved properties in which Franklin & Marshall students reside.

- *Responsibilities of Residents:* The obligations of students with respect to residence in College-owned/approved housing are described below under "Residential and Dining Programs" and are set out

in part in the housing contract signed by each student resident before taking occupancy of a room.

- *Greek Housing* in order to be assured that the students are living and congregating in safe surroundings, the College reserves the right to request and be granted permission to inspect fraternities and sororities. The College has the right to require annual reports from fraternities and sororities establishing that they are satisfying federal, state and local government codes.

- Administrative Disciplinary Procedures

The Office of the Dean of the College or designee (hereafter referred to as the Administrative Officer) conducts Administrative Reviews in cases of minor misconduct, when there is a college need, when expediency requires, [when there is a bias or bias-related incident] or when there is no substantial question of fact. Most Administrative Reviews are held with administrators within the Office of the Dean of the College. The objective of the Administrative Review is to review the alleged behavior with the student(s) and to determine whether there has been a violation of the *Student Code* or other College policies or expectations. If a violation has occurred, the student and the Administrative Officer will discuss the behavior(s) and possible consequences. A student who fails to attend an Administrative Review session risks a decision based upon the information available to the Administrative Officer.

These procedures or guidelines allow for consideration of the circumstances. Deviation from these procedures will not be a basis to change a disciplinary decision, unless it has resulted in prejudice to the individual or individuals involved.

Upon receiving information alleging misconduct, which is typically in the form of an Incident Report submitted by Public Safety, a College House Administration staff member, or a student, the Administrative Officer will generally, follow these procedures:

1. The student will receive a request in written form, by e-mail, or by telephone to meet or have an appointment scheduled to meet with an Administrative Officer.
2. At the meeting with the Administrative Officer, the student will be informed of the reason for the meeting.
3. The student will be asked for his or her account of the incident(s).
4. The student may request to review the Incident Report, if applicable.
5. If a violation of the *Student Code* has occurred, the Administrative Officer will discuss with the student what is in- appropriate about the behavior(s).
6. Students are not presumed to be in violation of the *Student Code*; however, Administrative Officers are empowered to make decisions whether or not a violation of the *Student Code* has occurred.
7. At the conclusion of the meeting, if a decision has been reached by the Administrative Officer, the student will be informed of that decision and the sanction, if any. The student will also receive written verification of that decision in a timely fashion. If the Administrative Officer is not able to arrive at a decision at the conclusion of the meeting, the student will be informed of the outcome in written form in a timely fashion. A copy of this letter will be placed in the Student File.
8. Information in the Student File is confidential, but it may be used for legitimate educational purposes, including conferring prizes and awards, providing recommendations and imposing disciplinary actions.

-Appeal of Administrative Discipline Decisions

Administrative academic misconduct or discipline decisions may be appealed to the Office of the Dean of the College. The student must file his/her appeal in writing with the grounds noted with the appropriate administrator, who now for the purposes of this process becomes known as the appeal officer, **within five (5) working days** after the administrator issues written notification of the decision. Following review of a particular case, the appeal officer may issue a sanction more or less severe than the original sanction if warranted or confirm the original sanction, or may otherwise adjust the initial disciplinary decision in the appeal's officer's sole discretion.

Appeals can be sought on the following two grounds:

- a. On a claim of error in the procedures that affected the outcome; and/or
- b. On a claim of new evidence, information, or material that was not available at the time of the disposition and is relevant to the case. The decision of whether there are grounds for appeal is at the sole discretion of the appeal officer.

If the Administrative Officer determines there are grounds for appeal, the appeal officer will observe the following procedural safeguards:

- a. Discussing the circumstances of the case and the appeal with the student.
- b. Further discussing the case and the appeal with the Administrative Officer who issued the original sanction.
- c. Rendering a decision on the appeal within 30 working days from the time that the student files it, unless extenuating circumstances require delay in the appeal process.
- d. Including in the decision the findings of fact on which the decision is based. The appeal officer, however, need not give detailed reasons for the decision reached or the sanction imposed.
- e. The decisions of the appeal officer are final.

- Committee on Student Conduct Hearing Procedures

a. Process

Any member of the College community (student, faculty, or professional staff) may seek to have a case heard by the Committee on Student Conduct by referral of the case to the Office of the Dean of the College. Designated administrators within the Office of the Dean of the College shall make a determination of whether the matter warrants a referral to the Committee. Should the Office of the Dean of the College decide that the alleged misconduct does not warrant or is not appropriate for Committee consideration, then the person initiating the charges may petition the Office of the Provost to refer the matter to the Committee. Such petition must be filed in writing within five days of the decision of the Office of the Dean of the College unless additional time to prepare the petition is granted by that office. The decision of the Office of the Provost on whether the matter should be referred to the Committee shall be final.

The Dean of the College and the Senior Associate Dean of the College are also authorized to refer any matter to the Committee without regard to whether the matter was raised by a source outside the Office of the Dean of the College.

When misconduct may result in serious penalties (suspension or expulsion), or where there are substantial questions of fact, the Dean of the College or the Senior Associate Dean of the College may refer the case to the Committee on Student Conduct. However, the Dean of the College or the Senior Associate Dean of the College may impose discipline without referral to the Committee through an Administrative Review.

A student accused of academic misconduct may not drop the course in question until the student has been cleared of any academic misconduct.

b. Procedures

The object of these procedures is to provide a fair process that enables the College to have a reasonable opportunity to obtain facts and evaluate evidence. A hearing is not a trial, and these procedures should not be followed mechanically without consideration of the circumstances. No failure to follow these procedures will be the basis to change a disciplinary decision unless it has resulted in prejudice to the individual or individuals involved. In unusual circumstances, the Dean of the College and the Senior Associate Dean of the College have the authority to specify alternative procedures for deciding matters of student discipline.

The Committee observes the following procedures:

1. The Senior Associate Dean of the College or designee will meet with the accused student to discuss the alleged misconduct prior to the hearing. At the pre-hearing meeting, the student will be advised of the charges against him or her, the procedures followed by the Committee, the *Student Code* and the student's responsibilities in the hearing process.
2. The student will be informed in writing of the charges against him or her and that it is the student's responsibility to present his or her case before the Committee. This notice will be provided at least five (5) working days before the scheduled hearing date to insure adequate opportunity to prepare. The specific time and location of the meeting will normally be stated in this notice.

3. Statements written by those who referred the matter to the Office of the Dean of the College or the Committee on Student Conduct will be shared with the accused student prior to the hearing.
4. The student will be informed of the right to choose and be assisted in the hearing by an adviser who must be a member of the College community. The adviser may be present at the hearing and will be given copies of pre-hearing documents that were given to the student. The adviser may not address the Chair, the Senior Associate Dean of the College or designee, the Committee, or other persons at the hearing unless granted permission to do so by the Chair or the Senior Associate Dean of the College or designee, or unless the student asks the adviser to make either the opening or closing statement on behalf of the student. The roles of the adviser will be to assist the student in preparing for the hearing, to assist the student in preparation of a written statement should one be appropriate, and to consult with the accused during the questioning of the accused student. It is highly recommended that the adviser meet with the Senior Associate Dean of the College or designee prior to the hearing.
5. No member of the Committee on Student Conduct who feels he or she cannot be impartial or who has an immediate interest in a particular case may participate or be present during the proceedings.
6. Students may question the impartiality of a member of the Committee prior to the hearing and request their withdrawal from the hearing. To do so, they must state their concerns in writing to the Chair. The Chair will then consult with the member in question. The final decision rests with the Chair.
7. All hearings are closed. However, the Chair of the Committee may authorize the attendance of any person it believes may serve a legitimate purpose in the hearing process.
8. The Committee will attempt to conduct the hearing in one session.
9. The Committee will not consider written or oral statements against the student unless the student has been made fully aware of their general content and of the names of those who made them, and unless the student has been given the opportunity to rebut unfavorable inferences which might otherwise be drawn. At the hearing, witnesses may be called by the Committee, by those who referred the matter to the Committee, and by the accused student(s). The Committee has the discretion to determine which witnesses and what evidence it will hear to provide the charged student with a fair hearing. The student's list of requested witnesses and any written information being submitted by the student for the Committee's review must be submitted to the Senior Associate Dean of the College or designee at least two (2) working days prior to the hearing.
10. At the hearing, witnesses are heard. The student gives an accounting of the circumstances leading to the allegations. The Committee queries witnesses and the student, who has the right to question the witnesses after the Committee.
11. The Committee deliberates in private after hearing the witnesses and evaluating evidence. In making its final decision, the Committee will review all of the information and determine whether it is "more likely than not" that the accused student is in violation of any part of the Student Code. The Committee must first determine if the accused is in violation of any part of the Student Code. If the student is found to be in violation, the Committee will make a recommendation to the Office of the Dean of the College for an appropriate sanction. At this time, background information may be brought to the Committee's attention to assist it in determining an appropriate sanction. In determining the appropriate sanction, the student's entire conduct record may be considered. The Office of the Dean of the College typically gives substantial weight to the recommendation of the Committee, but reserves the right to revise the sanction that Committee recommends to ensure consistency and fairness, or to impose or remove a sanction if deemed necessary.
12. Once the Office of the Dean of the College has concurred with or revised the sanction recommended by the Committee, or imposed a sanction even if the Committee does not find sanctionable conduct, the student is informed as soon as possible of the decision. Written notification of the decision by the Committee and/or the Office of the Dean of the College will be conveyed to the accused, with such notification typically sent within four working days of the hearing. The letter will also refer the student to information about the procedures involved in the decision. The person who brings the charge may be informed of the outcome of the hearing.
13. The sanction goes into effect as determined by the Office of the Dean of the College and ordinarily remains in effect during the appeal process. The student may request that the sanction be postponed during the period of the appeal. If an appeal is submitted, the Dean can give this permission after consulting with the Chair.
14. Copies of sanction letters are placed in the Student File, but there is no notation to the academic transcript, except for sanctions of Probation, Suspension and Expulsion. Information in the Student File is confidential, but it may be used for legitimate educational purposes, including conferring prizes and awards, providing recommendations and imposing disciplinary sanctions.

- Appeals of Committee on Student Conduct Decisions

A student (either the student charged or the student initiating the charge) may appeal a Committee on Student Conduct decision in his or her case to the Office of the Provost (or designee), described hereinafter as the appeal officer. The student must file this appeal in writing, with the grounds noted, with the appropriate officer, within five (5) working days after the Office of the Dean of the College issues its written notification of its decision. Appeals can be sought on the following two grounds:

- a. On a claim of error in the hearing procedure that affected the outcome of the hearing; and/or
- b. On a claim of new evidence, information or material that was not available at the time of the hearing and is relevant to the case.

The decision regarding whether there are grounds for an appeal is at the sole and final discretion of the appeal officer.

In determining whether there are grounds for an appeal, the appeal officer meets with the Chair and the Adviser to the Committee on Student Conduct to review the procedures that the Committee followed and the evidence that it considered. If the appeal officer considers it necessary, he or she may meet with a number of Committee members or the Committee as a whole.

If the appeal officer finds no grounds to hear an appeal, the student will be informed in writing. The appeal officer need not give detailed reasons for the decision reached.

If the appeal officer decides there are grounds for an appeal, the student has the choice of requesting that the Committee on Student Conduct rehear the case or that the appeal officer hear the appeal.

If the Committee agrees to rehear the case, it will then decide whether to rehear the case in its entirety or to rehear portions thereof. Following the rehearing, whether in part or in full, the Committee will make a recommendation to the appeal officer, who will then determine the appropriate sanction as described above. Following review of a particular case, the appeal officer may issue a sanction more or less severe than the original sanction so warrant or confirm the original sanction, or may otherwise adjust the recommendation of the Committee in the appeal's officer's sole discretion. The decision of the appeal officer is final.

If the Committee refuses to rehear the case, then the case will automatically be referred back to the appeal officer to hear the appeal.

In hearing the student's appeal, the appeal officer will utilize the following procedures:

1. Discussing the circumstances of the matter and the appeal with the student.
2. Further discussing the matter and the appeal with the Chair of the Committee on Student Conduct, where appropriate, a number of Committee members, or the Committee as a whole.
3. Rendering a decision on the appeal within 30 working days from the time that the student files it, unless extenuating circumstances require delay in the appeal process.
4. Including in the decision the findings on which the decision is based. The appeal officer, however, need not give detailed reasons for the decision reached or the sanction imposed.
5. The decisions of the appeal officer or designee are final.

- General Provisions

- a. Pending investigation of the alleged misconduct by the Office of the Dean of the College or pending a hearing before the Committee on Student Conduct when the Dean of the College or designee has not yet imposed a penalty, the academic status of the student is not normally altered, nor is his or her right to be present on campus to attend classes normally suspended, except for reasons relating to the safety and well-being of College property or the physical, academic, or emotional safety or well-being of members of the College community. The decision as to whether to suspend any of the student's rights during the pendency of any proceedings or appeals rests with the Office of the Dean of the College. Where that office determines that it is necessary or advisable to temporarily suspend the rights of a student pending investigation or a Committee hearing, efforts will normally be made to expedite the investigation and/or hearing.
- b. Lawyers/advocates who are not College employees are not permitted at any Committee hearing, informal or formal, or administrative reviews.
- c. Involved students are expected to attend the Committee hearing and cooperate in the Committee procedures. A student who fails to cooperate in the Committee proceedings may be excluded from the hearing at the discretion of the Committee, and the Committee may proceed to hear the case and make

- a decision. The student may face possible discipline action.
- d. An accused student who fails to attend the Committee proceeding risks a recommendation of the Committee based upon the evidence it hears.
 - e. When a student accused of serious misconduct has left the College or withdrawn from it, before the case can be heard by the Committee on Student Conduct or the Dean of the College or the Senior Associate Dean of the College or designee, the following procedures are invoked:
 1. The student will be notified in writing of the charges being brought against him or her and of the time, date and location of his or her hearing before the Committee on Student Conduct, if applicable.
 2. The student will also be notified in this same communication that the hearing, if applicable, can and will be held without him or her being present.
 3. The hearing will be conducted following normal procedures including the rendering of a decision and the student's access to the appeal process.
 4. The College will note the result of the hearing or the administrative review on the student's record consistent with past practice.
 - f. All information about student disciplinary matters, including names, details of the incident and outcomes, is confidential unless otherwise specified within the *Student Code*. Students found to be in violation of this stipulation will be subjected to discipline as outlined in the *Student Code*.
 - g. Students who are suspended or expelled from the College or who are removed from College-owned residential facilities due to disciplinary action are normally not given refunds for fees/tuition paid.

c. Disciplinary Actions and Penalties

When the disciplinary penalties listed below are administered they will normally include the following actions:

- Warning or Educational Intervention

- a. Given for minor misconduct.
- b. Recorded in the Student File but not reflected on academic records or College transcripts.

- Reprimand

- a. Given in cases of serious misconduct or in cases of repetitious minor misconduct.
- b. Recorded in the Student File but not reflected on academic records or College transcripts.
- c. A letter may be sent home to the parents/guardian of the student.

- Disciplinary Probation

- a. Given in cases of very serious misconduct when it is felt the student should not be removed from the College community.
- b. Given for stated period of time.
- c. May be required to meet periodically with an appropriate College official.
- d. Recorded in the Student File and reflected on academic records and College transcripts.
- e. A letter may be sent home to the parents/guardian of the student.

- Suspension

- a. Given in cases of *very serious* misconduct when it is believed that the student should be removed from the College community.
- b. During the period of suspension, the student is not to be on College property without prior permission from the Office of the Dean of the College or designee.
- c. Penalty is given for a stated period of time and readmission is not automatic.
 - 1). The student must file a petition for readmission with the Dean of the College.
 - 2). If appropriate, the Office of the Dean of the College may consult with the Committee on Student Conduct prior to granting permission to return.
 - 3). The process of petitioning for readmission may be initiated during the semester of suspension.
 - 4). A suspended student is normally asked not to be present in the city of Lancaster. In such cases, if the student is found to have been in Lancaster, reinstatement at the College will not normally be granted.
 - 5). Official readmission will not take effect until one week prior to the start of classes in the

- semester following the period of the suspension.
- d. A letter is sent home to parents/guardian.
 - e. Recorded for a stated period of time in the Student File, on the student's official academic record, and on any College transcript issued as "Suspended, Committee on Student Conduct, (date)" or "Suspended, Administrative Action, (date)."
 - f. Except in unusual circumstances, academic credit is not given for course work undertaken during the period of suspension.

- Expulsion

- a. Given in cases of *extremely serious* misconduct when it is the judgment of the Office of the Dean of the College that the student should never be permitted to reenter the College.
- b. Expulsion implies that an appeal for readmission would not be granted.
- c. The student forfeits the rights of membership and participation in the College Community and may not be on College property without prior permission of the Office of the Dean of the College or designee.
- d. A letter is sent home to parents/guardian.
- e. The sanction is recorded in the Student File, on the student's official academic record, and on any College transcript issued as "Expelled, Committee on Student Conduct, (date)." or "Expelled, Administrative Action, (date)."
- f. If a student is expelled, the student's case may be reviewed by the Office of the Provost.

Additional Sanctions

Instead of, or in addition to, the above stated sanctions, the following actions and sanctions may also be administered by the Office of the Dean of the College:

- Housing Probation

Specified period of time during which further violation of housing policies could result in College Approved Residential Facilities Separation.

- College-Approved Residential Facilities Separation

College-approved residential facilities separation involves removal from a College-approved residential facilities community for conduct that clearly demonstrates unwillingness or inability to function appropriately in the residential facilities living situation. Such separation may be permanent or for a specified number of semesters.

- Restitution

Restitution is not a fine; it is reimbursement for actual damage to, destruction of, or misappropriation of College property or property of any person that results from conduct in violation of this Code. The Office of the Dean of the College will investigate and determine the appropriate reimbursement.

- Suspension of Community Involvement Privileges

Any inappropriate behavior directed at the College community, organization(s), or members of the community may result in the individual's or organization's loss of community privileges, including participation and/or holding a leadership position in specified organizations or athletic activities for a designated period of time.

- Withholding of Degree

In cases involving seniors, the College may withhold a student's F&M degree for a specified period of time. This penalty is imposed instead of suspension at the end of the senior year or at the end of student's educational program where degree requirements have been met. A withheld degree is recorded on a student's transcript. Relevant information remains on the student's permanent record at the College and may be disclosed by the College in response to requests for which permission has been given or as otherwise legally required.

- Imposition of Sanctions

The following administrative officers can impose sanctions as listed:

1. Dean of the College or designee
2. President or designee

The Dean of the College or the Senior Associate Dean of the College may temporarily suspend the privileges of an individual or individuals pending a Committee or Administrative Review decision, or subsequent appeal.

In imposing any of the above actions or sanctions, or in place of them, the Office of the Dean of the College or appeal officer may administer such additional actions, sanctions or conditions as deemed appropriate.

Examples include:

1. Prohibitions from involvement in College co-curricular activities.
2. Attendance at educational programs.
3. Obtaining professional help, guidance, or advice.
4. Letter(s) of apology.

d. Hazing

Philosophy Regarding Hazing

We care about the health, safety, dignity, success, and emotional and psychological well-being of students, about the ability of our student organizations & teams to be successful, about the health of our College community, and about advancing the mission of the institution. We take issue with any situations that students experience while joining teams, clubs, and organizations that put these priorities at risk.

Hazing does not align with specific phrases in the F&M institutional mission as described below: "...to teach them...to think critically..."

"...to instill in them the capacity for both independent and collaborative action..." "...to foster in its student's qualities of...character..."

"...that they may...contribute meaningfully to their occupations, their communities, and the world." Hazing is inconsistent and violates the F&M student code of conduct, specifically:

Conduct which is unbecoming of a Franklin & Marshall student, defined as:

"...physical or verbal abuse or assault; threats; intimidation; harassment; coercion; and other conduct that threatens, instills fear, or infringes upon the rights, dignity, and integrity of any person."

Hazing Policy

Hazing is a violation of College policy and Pennsylvania state law. Hazing includes but is not limited to behaviors occurring on or off campus that are physically, emotionally, or psychologically humiliating or abusive, or endanger the health or safety of an individual or selected group of individuals as part of the process of gaining entrance or acceptance into an established group, team, or organization. Any activity as described in this definition upon which the initiation or admission into, or affiliation with, or continued membership in an organization is directly or indirectly conditioned shall be presumed to be "forced" activity, the willingness of an individual to participate in such activity notwithstanding. Hazing includes but is not limited to subjecting an individual to extreme mental stress or encouraging or requiring willful destruction or removal of public or private property for the purpose of initiation or admission into, affiliation with, or as a condition of continued membership in any organization. The term "hazing" shall also include, but not be limited to, any brutality of a physical nature, such as whipping, beating, branding, forced calisthenics, exposure to the elements, forced consumption of any food, liquor, drug or other substance, or any other forced physical activity which could adversely affect the physical health and safety of the individual, and includes activities subjecting persons to extreme mental stress, including sleep deprivation, forced exclusion from social contact, forced conduct which could result in extreme embarrassment, or any other forced activity which could adversely affect the mental health or dignity of the individual.

e. No Contact Procedure

No Contact orders are issued by the Advisor to the Committee on Student Conduct (ACSC), currently Kate Snider, at the request of the Office of the Dean of the College. Members of the Office include the Senior Associate Dean of the College or designee, the Title IX officers, and the House Deans, each of whom may request issuance of a no contact order. The Department of Public Safety may also issue a no contact order

and should notify the ACSC when doing so.

- To request a no contact order, the College administrator should notify the ACSC in writing (email) of the parties involved and any additional or exceptional prohibitions to be included.
- A student may request issuance of a temporary no contact order that shall remain in effect *until further notice*
- while an investigation/review is being conducted.
- No contact orders may be issued regardless of the filing of a formal complaint by a student.
- No contact orders are available to both the complainant and respondent in an investigation.
- No contact orders are usually reciprocal and apply equally to both parties with the exceptions described below.
- The order should state that it prohibits verbal, electronic (including email and all forms of social media), written, and third-party communication between both parties. The order may also clarify the distance the alleged perpetrator must stay away from the claimed victim if they are in the same vicinity on campus.
- The order should address attendance at College –sponsored activities or gatherings. This aspect of the no contact order will be determined by the College Officer requesting the no contact order and specifically stated in the no contact order.
- Retaliation against the complainant in a no contact order, such as barring the complainant from activities or groups, either by the respondent’s actions or those of associates of the respondent, is a violation of the Student Code of Conduct and may result in sanctions.
- The no contact order should specify that it is not a legal protective order as issued by a court of law and will not apply to non-College related premises; however, it will apply to College-sponsored activities regardless of the location.
- Reporting of violations of the no contact order is the responsibility of the parties to whom it is issued. Reports of violations can be made to any of the offices that have the authority to issue the no contact order; the Department Public Safety, the Office of the Dean of the College or the Title IX Office.
- Alleged violations of the no contact order and/or retaliation will be referred for investigation to the Office of the Dean of the College and, if confirmed, will likely result in sanctions. See the College Life Manual for explanation of sanctions. <http://www.fandm.edu/college-life-manual/student-life/disciplinary-actions-and-penalties>
- No contact orders may be placed or left in place without a finding of responsibility or violation of the student code. At the request of either party, the need for the no contact order may be reviewed.
- The no contact order should identify the resources available to the parties when concerned for their safety: Department of Public Safety at 717-358-3939 or the Lancaster City Police at 911.
- Upon receipt of a no contact order via email both parties are required to immediately respond to the issuer, via email, indicating that they received and understand the order. Failure to do so may be grounds for a sanction
- The Advisor to the Committee on Student Conduct or designee will be responsible for keeping a log of all no contact orders that are not Title IX related. The Title IX Coordinator or designee will be responsible for keeping a log of all Title IX related no contact orders.
- At the start of each semester, the person responsible for the log will review all no contact orders. This person will be responsible for notifying the parties to the no contact order of any change in status, or reaffirming the no contact order.

Sexual Misconduct/Discrimination/Harassment Policy

Index of Policy:

Immediate steps if you have been Sexually Assaulted (below this index)

1. Where and How to File a Complaint or Confidential Report or Receive Help Deciding What to Do:
 - Filing a Complaint with the College
 - Filing a Complaint with the Police
 - Confidential Reports of Sexual Misconduct that do not put the College or Police on Notice.

2. Definitions:
 - Consent to Sexual Activity
 - Coercion
 - Force
 - Capacity
 - Non-Consensual Sexual Contact
 - Federal Bureau of Investigation definition of non-consensual contact
 - Sexual Harassment
 - Domestic Violence
 - Dating Violence
 - Stalking
 - Sexual Exploitation
 - Retaliation
 - Confidentiality
3. Warning Signs of Sexual Misconduct
4. Amnesty Policy in relation to reporting of Sexual Misconduct
 - College Amnesty policy
5. Mandated Reporting of Sexual Misconduct
6. Two Choices for Resolution Following a Formal Complaint Made to the College
 - Mediations
 - Filing a formal Judicial Complaint
7. What Happens After You Have Decided to File a Judicial Complaint with the College?
 - Procedure
 - a. Meeting with the Title IX Coordinator
 - b. Writing the Complaint
 - c. Informing the Respondent
 - d. Remedies for the Complainant will be determined
 - e. Investigation
 - f. Conclusion of the Investigation and Referral of the Complainant to an Administrative Review, Judicial Hearing or Dismissal of the complaint.
 - g. Hearing Procedures, Step-by-Step
 - h. Hearing Preparation Timeline
8. Appeals of Sexual Misconduct Panel or Administrative Review Decisions
9. Additional Information Regarding Policies and Procedures
 - Sexual Misconduct Panel
 - Outcome Notification
 - Timeframe
 - Advisors
 - Impact Statements
 - Recusing Panel Members
 - Closed Hearing
 - Understanding how the Sexual Misconduct Hearing Differs from a Court of Law
 - Record of proceedings
 - Record of an Appeal
 - Updates to the Complainant and Respondent
 - Follow-up
 - Designees
 - Policy Amendment
 - Responses to trauma
 - Bystander Intervention
10. Sexual Misconduct- A Review of Resources
 - F&M's Sexual Assault Response Line
 - Off Campus Resources
 - Pro Bono attorney assistance
 -

Immediate steps if you have been sexually assaulted

- Get to a safe place immediately; call 911 or the Lancaster City Police or 717-358-3939 (Public Safety)

if you feel unsafe.

- Once you are safe, contact someone who can help you: The F&M Sexual Assault Response Line at 717-560-7311, Department of Public Safety at 717-358-3939, or the Police (911).
- Remember, sexual assault is never the victim's fault. Do not blame yourself.

The F&M Sexual Assault Response Line will help you think through your options regarding getting medical attention, getting counseling support and reporting the assault. This call is confidential, does not constitute notice to the College or Police, and does not obligate you to take any further action. The F&M Sexual Assault Response Line is a confidential service staffed by the College's Health and Counseling Services and College Chaplain, all of whom have the ability to offer confidentiality.

When you call this line, you will speak with an off-campus answering service and be connected to the on-call professional. This person will listen and support you and will explain your options for receiving medical attention, counseling support and reporting the assault. You are in control of deciding what is best for you to do. A call to the F&M Sexual Assault Response Line does not obligate you to make a report to the College, and will not be taken as a report to the College that places the College on notice. All information discussed with the professional on this line is confidential and will not be released without your written permission. While the victim has the choice of delaying a report to the College, such delay may negatively affect the quality of the evidence and investigation. Do not shower, drink, eat, douche, brush your teeth, brush your hair, or change your clothes. These activities destroy physical evidence that will be important if you decide to prosecute the assailant.

Other steps

- Get medical attention as soon as possible. You may have hidden injuries and should explore options regarding pregnancy and the possibility of sexually transmitted diseases.
- Consider going to Lancaster General Hospital for a forensic exam. Take a change of clothing with you, as your clothing may be kept as evidence. Lancaster General is the only local hospital where the SAFE exam, with specially trained nurses, is done. If you go to another hospital they will very likely transport you via ambulance to LGH. For instructions on what to do before going to the hospital please see this guide, "Steps to Take if You Have Been Assaulted" (www.fandm.edu/sexual-assault-awareness/what-to-do-if-you-have-been-sexually-assaulted).
- Write down everything that you remember about the event(s), with as much detail as possible. This step can help both with your own healing process and in any legal or disciplinary action you might decide to take.
- Seek counseling or other sources of support. Talking with a trained mental health professional may help in coping with the aftermath of a sexual assault. Family and friends may also be a source of comfort and support. It is most important that you are comfortable with and trust the individuals in whom you choose to confide. Franklin & Marshall's Counseling Services is available free of charge to meet with students. Hours are Monday–Friday 8:30 until noon and again from 1- 4:30 p.m. There are also walk-in hours daily between 3 and 4 p.m. You can also call for an appointment at 717-358-4083.
- F&M Health Services can provide free emergency contraception and sexually transmitted infection evaluation and treatment for students who do not require or choose not to have a forensic examination. Hours of service are Monday –Friday 8:30 a.m.–5:00 p.m. 717-544-9051. Afterhours access these confidential services through the Sexual Assault Response Line 717-560-7311.

This policy is applicable when at least one of the parties is an F&M student. The policy applicable to non-student employees is on the HR website anti-harassment policy.

Sexual misconduct is prohibited by the rules of Franklin & Marshall College and violates the laws of the Commonwealth of Pennsylvania. A student found responsible for violation of the F&M student code of conduct is subject to disciplinary action by the College. An offender may also be prosecuted in criminal court, may be sued for money damages in civil court, and may risk other serious personal and professional consequences. The College may proceed with its process concerning sexual misconduct before, during, or after any criminal or civil court's proceedings involving the same event.

According to the federal statute Title IX of the Educational Amendments of 1972, the sexual harassment of students, including sexual violence, may also interfere with students' right to receive an education free from discrimination. Discrimination is understood to occur when the conduct is sufficiently serious that it interferes with or limits a student's ability to participate in or benefit from the school's program.

The College takes steps to ensure that the campus community is not subject to a hostile environment and to respond promptly and appropriately to allegations of harassment on the basis of sex or gender identity, including dating violence, domestic violence, sexual assault, sexual exploitation, stalking and sexual harassment. The College promptly investigates incidents of harassment on the basis of sex or gender identity, takes appropriate action (including disciplinary action) against students found to have violated this policy, and provides remedies as appropriate to complainants and the campus community. The College takes immediate action to end a hostile environment if one has been created, prevent its recurrence, and remedy the effects of any hostile environment on affected members of the campus community.

All College employees, including student employees, are mandated reporters of sexual misconduct and discrimination. Mandated reporters must ensure that any sexual misconduct or discrimination that they become aware of is reported to the College's Title IX Coordinator, Jan Masland, at 717-358-7178 or jmasland@fandm.edu. (See Section V of this policy below for more information on Mandated Reporters.) Reports may also be made to the College's Department of Public Safety at 717-358-3939. This policy applies to all sexual misconduct, discrimination, or harassment regardless of the gender, gender identity or sexual orientation of the complainant or respondent. See below for a list of confidential reporting sources.

-Where and How to File a Complaint or Confidential Report – Or Receive Help Deciding What to Do

A student has multiple options when considering what to do if the student is a victim of sexual misconduct. The student may: (1) file a complaint with the College; (2) file a criminal complaint with the Police; or (3) make a confidential report that does not constitute notice to the College and speak confidentially with one of the designated confidential sources below to decide next steps. Each is described in detail below. Complaints with the College and Police may be filed concurrently.

In certain instances, the student may request, without filing a formal complaint, that the Title IX Coordinator meet with the accused to inform the accused that they have been informally reported for sexual misconduct. This does not constitute a formal report to the College and will not proceed to an investigation, hearing or sanction. The purpose of this meeting is to allow the accused to respond to the report and, when appropriate, to educate the accused regarding the alleged actions and their impact on the reporter as well as on the College community. This is not a mediation. The reporter is not included in this meeting. The Title IX Coordinator will determine if this option is appropriate.

Filing a Complaint with the College

All students wishing to file a complaint, or seek information about options for filing a complaint, of sexual misconduct, harassment or discrimination, including domestic violence, dating violence or stalking should contact the Title IX Coordinator, Jan Masland, whose office is at 623 College Avenue, rear entrance (717-358-7178, jmasland@fandm.edu). These complaints, made directly to the Title IX Coordinator, are considered private but not confidential reports: they invoke the requirements of Title IX and may initiate a College investigation and possible College judicial process.

The College makes every effort to respond to student requests for anonymity and the student's communicated preference to waive the judicial process unless the allegations indicate an ongoing or likely future threat to the safety of the complainant and/or other members of the campus community. Students should understand that a request for anonymity will limit the College's ability to investigate and respond to the complaint. The Title IX Coordinator may inform the College's General Counsel that an individual sought information regarding harassment or sexual misconduct; the identities of the involved parties will remain confidential and the information regarding the allegation will be shared on a need-to-know basis and treated with regard for the privacy of the parties involved. Complaints to the College of sexual misconduct need not be immediate; complainants have up to two years from the date of the incident to report a complaint that will in turn be investigated by the College.

Please note the following as well:

- The Sexual Misconduct Panel does not have jurisdiction when a student makes a complaint against a member of the Faculty or Staff; however, the initial report should be made to the Title IX Coordinator who will direct the complainant to the appropriate office(s) and assist in the coordination of the Title IX process. These complaints are resolved according to procedures detailed in the College's Sexual

Harassment Policy, which can be found online at www.fandm.edu/college-policies/article/anti-harassment-policy-and-title-ix-notification

- Complainants will be advised of their right to file a criminal complaint with the police department in whose jurisdiction the alleged incident occurred. An officer from the College Department of Public Safety is available to assist the student in filing this complaint.

Filing a Criminal Complaint with the Police

Students may file a criminal complaint as follows:

- Meeting with the Title IX Coordinator, who will accompany them to either the F&M Department of Public Safety (DPS) or the police department in whose jurisdiction the offense occurred. Contact: Jan Masland, Title IX Coordinator 717-358-7178, jmasland@fandm.edu.
- Directly reporting to the F&M Department of Public Safety, who will contact the police department in whose jurisdiction the offense occurred. The DPS phone number is 717-358-3939. DPS is available at all times throughout the calendar year.
- Contacting directly the Police department in whose jurisdiction the offense occurred. This is, in most cases, the Lancaster City Police, who can be reached by phoning 911.

The College does not discourage any student from filing a report with the Police. However, the College may be obligated to conduct its own investigation regardless of any criminal investigation. The College will comply with law enforcement requests for cooperation; such cooperation may require the College to temporarily suspend the fact-finding aspect of a Title IX investigation while the law enforcement agency is in the process of gathering evidence.

The College will promptly resume its Title IX investigation as soon as it is notified by the law enforcement agency that it has completed the evidence gathering process, which typically takes three to ten calendar days, although the delay in the College's investigation may be longer in certain instances. The College will implement appropriate interim steps during the law enforcement agency's investigation period to provide for the safety of the victim(s) and the campus community and the avoidance of retaliation. The College will pursue its investigation in a timely manner regardless of the progress of the criminal complaint, in which case the investigations may be simultaneous.

The victim is encouraged to choose an advisor. The choice of advisor is not limited and may be from within or without the College community however, the student may choose an advisor from the trained members of the College's Sexual Misconduct Panel to assist and support them while filing the criminal complaint. Students may not choose a fellow F&M student as an advisor. The adviser and/or the Director of Public Safety stand ready to assist students with contacting the Police. A student may choose to utilize the criminal complaint as a sole course of action; the College will, in compliance with Title IX, take appropriate action as well.

The respondent to the complaint will also be encouraged to choose an advisor when informed of the complaint against them. Each party has the right to choose an advisor who is not a trained member of the Misconduct Panel.

Confidential Reports of Sexual Misconduct That Do Not Put the College or Police on Notice

Certain reports of sexual misconduct are not considered to be "filing a report with the College" and do not put the College or Police on notice regarding an event of sexual misconduct, discrimination, or harassment. These reports are "confidential reports" to resources that can advise victims of their options. There are four resources for confidential reports:

- Counseling Services at 717-544-9051
- Student Health and Wellness Center at 717-544-9051
- The Sexual Assault Response Line staffed by nurses who, by law, have "protected communication" which is to say, confidentiality. This line is staffed 24/7 while the College is in session; 717-560-7311

The confidentiality extended to these offices extends to the support staff of these offices.

-Definitions

Consent to Sexual Activity

Consent must be freely, willingly and enthusiastically given. Consent has an expiration date; consent to one

sexual activity does not imply consent to another or more sexual activity. Prior sexual activity with a partner does not imply future consent. Consent must be given with each sexual act. Silence without activity demonstrating permission cannot be construed as consent. An individual cannot be understood to consent to sex unless that individual has the capacity to understand the behavior (See below for an explanation of “Capacity”).

Coercion

Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear that they do not want sex, want it to stop, or do not wish to go past a certain point of sexual interaction, continued pressure beyond that point is coercive. That pressure can be subtle and/or relentless. More obvious forms of coercion include: intimidating, shaming, harassing and embarrassing the victim. Examples could include: threatening the victim with exposure, threatening to spread rumors about the victim, or threatening to exclude the victim socially.

There is a difference between seduction and coercion. Coerced sexual activity violates this policy just as physically forced sex does. Coercion happens when someone unreasonably pressures someone else for sex. Seduction occurs when there is clear and welcome willingness to be coaxed.

Force

The use of a weapon of any type is force. Force can exist without the use of a weapon. Use of disparate weight and size to detain a victim is force. Physically restraining a victim is force.

Capacity

Under-aged persons – those under the age of 18 – are not considered legally capable of giving consent. Under this policy, “No” always means “No,” and “Yes” may not always mean “Yes.” Someone who engages in sexual activity with someone whom they know to be – or should know to be – mentally or physically incapacitated because of alcohol or other drug use has committed sexual misconduct. This prohibition also applies when an individual is incapacitated because of mental disability, sleep, involuntary physical restraint or from the influence of incapacitating drugs such as “date rape” drugs or alcohol. Possession, use and/or distribution of any of these substances (including Rohypnol, Ketamine, GHB and others having similar effect) is prohibited, and administering any of these drugs to another or administering alcohol for the purpose of incapacitation is a violation of this policy. Evidence of incapacity includes, but is not limited to, slurred speech, bloodshot eyes, alcohol on the breath, poor equilibrium, vomiting, unusual behavior, unconsciousness, awareness of the observer that the person has ingested an excessive amount of alcohol or drugs or the knowledge of a witness that the person is incapacitated as a result of any of the above.

Non-consensual Sexual Contact

The College holds students responsible for behavior that violates the College Code of Conduct, a potentially higher standard than the criminal standard. Behavior that is not criminal may, nonetheless, be a violation of the College Code of Conduct. Examples are listed below under the definition of Sexual Harassment.

Sexual Harassment

Sexual harassment is unwelcome sex or gender-based verbal, nonverbal or physical conduct that has the purpose or effect of unreasonably interfering with an individual’s work or academic performance or that creates a humiliating, degrading, intimidating, hostile, or offensive working, educational, or living environment. Sexually offensive language and activities in the College’s public spaces constitute harassment where such conduct is sufficiently serious to create a hostile environment. Stalking (as defined in this policy) either electronically or in person constitutes sexual harassment where stalking is based on sex or gender.

Examples of sexual harassment may include: (1) “Catcalling,” e.g., making public, gendered and/or sexual remarks about a person within others’ hearing with or without the intended recipient’s consent. Students are responsible for public conduct that may offend or intimidate bystanders; (2) Publicly ranking a person’s sexual or physical attributes without their consent. These behaviors attempt to reduce the value of the person being rated to a one-dimensional stereotype that is antithetical to an atmosphere of inclusiveness. This behavior is inherently disrespectful to all those of the gender being ranked regardless of the response of any single victim; and (3) Intruding in private spaces such as shower stalls and locker rooms.

Other types of harassment include comments, questioning, innuendos or jokes of a sexual nature. Derogatory comments referencing gender or sex, unwelcome sexual advances, propositions, threats, requests or demands for sexual favors all constitute sexual harassment. Displaying, posting, advertising or distributing offensive, indecent or abusive material of a sexual nature; leering or making obscene gestures; constitutes sexual harassment. Quid

pro quo sexual harassment exists when submission to or rejection of unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature results in adverse educational or employment action, or the threat of such adverse action, or when submission is made a condition of educational or employment advancement.

Respect for all members of the campus community is expected at F&M. Although sexually offensive depictions may also be seen as sexual harassment, the College does not consider visual and/or aural demonstrations, depictions or conduct to be sexual harassment when there is a legitimate pedagogical context, such as material having an appropriate connection to course subject matter.

Sexual assault is a form of sexual harassment and is sexual contact or sexual intercourse that is not consensual: Non-consensual sexual contact is any intentional touching of the intimate parts of another person or other sexual touching, against the person's will or without consent. Intimate parts include genitalia, groin, breast, and buttocks, whether or not covered by clothing. Non-consensual sexual contact includes attempted non-consensual sexual intercourse. Non-consensual sexual intercourse is any act of sexual penetration (anal or vaginal), however slight, with any body part or object by a person upon another person, without consent; or oral penetration with a sex organ without consent. Consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or coercion.

Sexual Exploitation is a form of sexual harassment. Sexual exploitation occurs when a person takes non-consensual or abusive sexual advantage of another to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute another form of sexual misconduct. Examples of sexual exploitation include, but are not limited to, prostitution, non-consensual video or audio-taping of sexual or other private activity, exceeding the boundaries of consent (e.g., permitting others to secretly observe consensual sexual activity, videotaping of a person using a bathroom), engaging in voyeurism, or engaging in consensual sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted disease (STD) and without informing the other person of such infection.

Stalking is a form of sexual harassment. Stalking refers to a course of conduct directed at a specific person that would cause a reasonable person to fear for their or other's safety or to suffer substantial emotional distress. (Electronic stalking via phone, text, email or other web-based means is considered to be stalking.)

Domestic Violence

Domestic Violence includes asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.

Dating Violence

Dating violence means violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such a relationship will be gauged by its length, type and frequency of interaction.

Retaliation

The College does not tolerate retaliation against individuals who report or file complaints of sex discrimination (including sexual harassment), participate in investigations under this policy, or otherwise assert rights protected by Title IX. Franklin & Marshall College takes seriously reports of retaliation and retaliatory harassment, and takes disciplinary action, where appropriate, to address incidents of retaliation. Examples of retaliation include ostracizing, spreading rumors, banning a student from clubs, social or living groups as a result of their having reported sexual harassment/misconduct. Complaints of retaliation will be investigated using the same process and standards outlined in this policy. Reports of retaliation should be directed to Jan Masland, Title IX Coordinator (717-358-7178, jmasland@fandm.edu).

Confidentiality

Please see Section I of this policy for a list of persons to whom a student may confidentially report an incident of sexual misconduct, discrimination, or harassment.

The confidentiality of all parties to a complaint of harassment, discrimination, or sexual misconduct must be strictly observed by the appropriate College officers and by those assigned to advise, investigate and adjudicate a complaint, except insofar as it interferes with the College's obligation to investigate fully the allegations and to record statistics as required by law. Where confidentiality is not strictly observed, reports of sexual misconduct will be controlled on a need-to-know basis and treated with the utmost respect for the privacy of all parties; complainant, respondent and witnesses. Dissemination of information and/or written materials to persons not involved in the complaint procedure is not permitted.

In extraordinary circumstances, College officials reserve the option of informing the parents or

guardians of a student that the student is involved in a complaint of harassment or sexual misconduct, e.g., when significant medical, disciplinary, or academic issues are raised by the situation. The College prefers and strongly encourages students to inform parents or guardians of misconduct proceedings, although the College does not require students to do so. College officials will inform parents or guardians when requested to do so by a student. Parents who become aware of a sexual assault of any student should contact Jan Masland, Title IX Coordinator at 717-358-7178 or jmasland@fandm.edu.

-Warning Signs of Sexual Misconduct

There are warning signs or “red flags” that indicate a risk of sexual misconduct. Students should be especially alert if the person you are with:

- Ignores, interrupts, or makes fun of you
- Sits or stands too close to you or stares at you
- Drinks too much or uses drugs; tries to get you to use drugs or alcohol
- Tries to touch or kiss you or gets into your "personal space" when you barely know the person
- Wants to be alone with you before getting to know you, or pressures you to be alone together
- Does what the person wants to do without asking what you want
- Gets angry or sulks if the person doesn't get what they want
- Pressures you to have sex, or tries to make you feel guilty for saying no
-

-Amnesty Policy in relation to reporting of Sexual Misconduct

The College strongly encourages students to report instances of gender-based discrimination, sexual harassment and sexual misconduct involving students. Therefore, students who report information about gender-based discrimination, sexual harassment or sexual misconduct involving students will not be disciplined by the College for any violation of the College’s drug or alcohol possession or consumption policies in which they might have been engaged in connection with the reported incident.

-College Amnesty Policy as it appears in the College Life Manual

The following students will normally not be subject to the sanctions of the College’s alcohol policy:

1. Students who are seeking medical assistance for another student.
2. Students who are seeking medical assistance for themselves.
3. Students for whom medical assistance has been sought by another student.

Regardless of circumstance, Health and Wellbeing Interventions may still be issued by the College.

The College’s Amnesty Policy does not apply for violations that carry the outcome of suspension (e.g., DUI, dealing or distributing illegal drugs, controlled substances, prescription drugs) or for acts that represent a danger to the community.

-Mandated Reporting of Sexual Misconduct

In compliance with the requirements of Title IX, Franklin & Marshall has a mandated reporter policy. All employees are required to report within 24 hours any act of sexual misconduct they become aware of to the Title IX Coordinator (717-358-7178) at 623 College Avenue. This includes student employees, who are required to report if they become aware of sexual misconduct while performing in their role as an employee. House Advisors (“HAs”) are the exception. HAs are considered to be in their employee roles at all times. The mandated reporter is required to give all names and information revealed to them; however, if possible, the Title IX Coordinator will contact the reporter before contacting the complainant in order to determine the best way to proceed to preserve the relationship of the reporter and the complainant. For more information and for the Mandated Reporter Reporting Form, please visit the F&M mandated reporter website by using the keywords “Sexual Misconduct Awareness Information.” Mandated reporters may not use the anonymous Department of Public Safety reporting form to report sexual misconduct.

-Three Choices for Resolution Following a Formal Complaint Made to the College

After filing a formal Complaint, a complainant has the option of requesting two different levels of response, which are briefly described below.

- a. **Mediation:** In a case of sexual harassment, a complainant may request a referral to a trained campus mediator who will facilitate understanding of the nature of the complaint by the respondent, attempt to

address potential misunderstandings, if any, and resolve the complaint with respect for the privacy of the parties involved. Mediation is particularly appropriate when the complainant wants help in addressing the issue without pursuing formal action. The complainant, however, may terminate the informal resolution procedure at any time and pursue a formal complaint. **The College does not participate in mediation of allegations of nonconsensual sexual intercourse or sexual assault and advises against the use of mediation in this circumstance.** A person who desires mediation as described above should write a letter to the Title IX Coordinator outlining the complaint and requesting mediation. The Title IX Coordinator will meet with the complainant and respondent and refer the complaint to a trained campus mediator. A person seeking mediation must agree to be identified to the respondent. A campus mediator begins mediation efforts within 10 business days and reports to the Title IX Coordinator that the mediation occurred. Complainants and respondents are encouraged not to discuss the complaint with other members of the community except as required by the need for psychological counseling. At the conclusion of a successful mediation, both parties sign a statement agreeing that the mediation was successful. If the mediation is unsuccessful, the complainant can proceed to a formal complaint and hearing, in a timely fashion, after the attempted mediation. A copy of the signed statement constitutes the record of the mediation.

- b. **Filing a formal Judicial Complaint:** After initially discussing a misconduct complaint with the Title IX Coordinator, at which time an advisor is selected by the complainant from the list of trained members of the Sexual Misconduct Panel or from the F&M community at large, a student may file a formal Judicial complaint by submitting to the Senior Associate Dean of the College a signed written statement, including, at a minimum, the time, place and nature of the alleged offense and the name of the respondent. Submitting this statement activates the Sexual Misconduct Panel Procedures and involves the Title IX Coordinator, the Chair of the Hearing Panel Committee (who is the Deputy Title IX Coordinator, Alison Hobbs ahobbs@fandm.edu 717- 358-5988 or designee), the Senior Associate Dean of the College, the investigative team and the Sexual Misconduct Hearing Panel. As stated above in Section I, in addition to taking action within the College, a victim of sexual misconduct may also elect to file a criminal complaint with the Lancaster City Police or the police in the jurisdiction where the conduct occurred. Upon notice of the complaint, the Title IX Coordinator may recommend interim measures to stop the behavior, prevent it from recurring and to protect the complainant and College community. These are outlined below in the section titled Interim Measures.
- c. **Making an informal report to the Title IX Coordinator** in which case, after the Title IX Coordinator has explained the processes and options, the complainant may choose to file a formal complaint or take more time to make a decision. In lieu of filing a formal complaint or while taking time to make a decision, the complainant may request that the Title IX Coordinator meet with the respondent to discuss the behavior that lead to the report.

*Please note that a report is different from a formal Judicial Complaint which initiates the College Judicial process. A report does not initiate the process.

-What Happens After You Have Decided to File a Judicial Complaint with the College?

Persons who desire to file a Judicial complaint about an act of sexual misconduct committed by a student have recourse through the procedures of the College established by this Policy. After a Judicial complaint is filed, certain procedures are applied. These procedures apply to complaints of sex discrimination/misconduct by students or third parties against students, third parties, and all employees. These policies apply to incidents taking place either on or off College- owned property or during College-sponsored travel off campus. Conduct that occurs off campus can be the subject of a complaint or report, and will be evaluated to determine whether it violates this policy, e.g., if off-campus harassment has continuing effects that create a hostile environment on campus. Allegations of off-campus sexual misconduct are of particular concern and should be brought to the College's attention. These policies also apply to F&M students when visiting other campuses.

The procedure is as follows:

a. Meeting with the Title IX Coordinator

Upon notice to the College, the complainant will be directed to the Title IX Coordinator (if the original

complaint was not filed with the Title IX Coordinator) within 24 hours to discuss the investigation process and possible outcomes. At this meeting the complainant will be advised to choose an advisor. Students will be given a list of names of trained members of the Sexual Misconduct Hearing Panel from which they may select an advisor but the student is not restricted in their choice of an advisor and may choose someone who is not from the F&M community. It is not required that the parties choose an advisor. If an advisor is chosen, the complainant and respondent must notify the College of the name of the advisor within 5 business days of filing or being notified of the complaint. The complainant (and later the respondent) is given an information folder regarding the process at the meeting with the Title IX Coordinator. These folders are also available online and include:

The information folder for each contains:

Complainant:

- What to do if you have been sexually assaulted – guidance for victims
- Possible Responses to Trauma
- Sexual Assault Options for the Complainant
- Resources for the Complainant
- Interim Measures and Accommodations for the Complainant
- The Campus Sexual Assault Victim’s Bill of Rights
- Timeline for the investigation of an allegation of Sexual Misconduct
- Rights of the Respondent and Complainant
- Procedure for the Complainant and Respondent in Sexual Misconduct
- Hearing Procedures
- Investigation message for witnesses
- Sexual Misconduct Hearing Panel Roster

Respondent:

- Rights of Respondent and Complainant
- Timeline for an investigation of an allegation of Sexual Misconduct
- Procedure for Complainant and Respondent in Sexual Misconduct
- Hearing Procedures
- Investigation message for witnesses
- Sexual Misconduct Panel Roster

b. Writing the Complaint

The complainant will be assisted by their advisor in writing a formal complaint. This document is a description of the incident giving names of possible witnesses and details that will be helpful to the investigators.

c. Informing the Respondent

Within two business days of the Title IX Coordinator receiving the complaint, the respondent will meet with the Title IX Coordinator and be notified of the allegation. The respondent may choose at any point to waive the hearing process by admitting responsibility. The respondent must submit in writing their decision to waive a hearing to the Senior Associate Dean of the College and the Title IX Coordinator. In such cases, the Senior Associate Dean in consultation with the Title IX Coordinator may determine an appropriate sanction.

If the respondent does not choose to admit responsibility, the respondent will be advised to choose an advisor. The respondent will be given a list of names of trained members of the Sexual Misconduct Hearing Panel from which to select an advisor but the student is not restricted in the choice of an advisor and may choose someone who is not from the F&M community. It is not required that the parties choose an advisor. The respondent will be given the information packet for respondents. The respondent will be asked to submit a list of witnesses to the Title IX Coordinator within two business days.

d. Remedies for the Complainant will be determined

Upon becoming aware of a complaint of misconduct, the Title IX Coordinator may institute or recommend to the Senior Associate Dean of the College or to the Dean of the College interim measures be taken to protect the complainant. The purpose of the remedies/interim measures in this process is: (1) to stop the behavior that lead to the complaint; (2) to prevent the behavior from happening again; and (3) to restore the complainant as much

as possible to their pre-incident state. The choice of the numerous accommodations and resources available will be determined in conversation with the complainant, the advisor to the complainant, and the appropriate College administrators.

The following measures may be put in place before a formal complaint has been filed. These may include, but are not limited to, the following:

- Change in living situation
- Change in work situation
- No contact order including those available through the courts
- Assuring that the complainant and respondent do not attend the same classes
- Providing an escort to ensure that the complainant can move safely between classes
- Counseling and Health Care services
- Providing academic support services such as tutoring
- Arrange for the complainant to retake a class or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the complainant's academic record, and
- Reviewing any disciplinary actions taken against the complainant to see if there is a causal relation between the harassment and the misconduct that may have resulted in the complainant being disciplined.
- The College will provide written notification about existing victim advocacy, legal assistance, student financial aid, and visa and immigration assistance.
- The College will maintain as confidential any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the College to provide the accommodations or protective measures.
- Some of these measures and others may become permanent depending on the outcome of the complaint.
-

e. Investigation

The College investigates complaints of sexual misconduct in a prompt, impartial and thorough manner. Within three business days of the notification of the respondent, the Title IX Coordinator, in collaboration with the Deputy Title IX Coordinator, will assign two investigators to begin the investigation of the complaint and collect any evidence. It is the responsibility of the investigators to take custody of and arrange safe keeping of any physical evidence to be used in making a determination subject to the qualification that law enforcement authorities should handle evidence related to the commission of a crime.

The investigation generally should be concluded within 10 business days however, in certain cases, depending on the complexity of the investigation or coordination with law enforcement, the investigation may take more than 10 business days. The respondent and complainant are expected to participate in all facets of the investigation and are expected to be forthcoming and to answer truthfully all of the questions posed during the investigation. Both the complainant and the respondent may be accompanied by their adviser when attending all interviews for the purpose of explaining the process and providing support. The respondent and complainant will have identified suggested witnesses and may present evidence. The investigators will add to the list of interviewees as the investigation progresses. It is the obligation of students called as witnesses to cooperate fully and truthfully with the investigation and subsequent hearing. Furthermore, the witnesses will be informed of the following during the interview and asked to sign the following:

Investigation/Interview message for witnesses:

- This is an official College investigation and the investigators will take notes. The interview may also be recorded. Interviewees are required to be completely forthcoming and truthful in their responses. Failure to do so is a violation of the Student Code of Conduct and will be referred for Judicial Review. Section 13 of Judicial Code: Making False statements includes but is not limited to making false statements in petitions, requests, disciplinary proceedings, or other matters of record in the academic or nonacademic transactions with officials of the College and in College publications.
- Interviewees should be aware that if a Hearing or an Administrative Review is held the investigation notes will be shared with; the Hearing Panel, the Hearing Panel Chair, the Senior Associate Dean of the College, the Title IX Coordinator, the complainant and the respondent. Witnesses may see the notes from their interview but not of any other witnesses nor the complainant or respondent.
- The College adheres to the Alcohol and Drug Amnesty Policy during the investigation. Disciplinary action for violations will not apply. Exceptions to Amnesty are; serious violation of the law (amnesty applies to underage drinking or drug use in most instances) and conduct that endangers the interviewee or others. In some instances, health and well-being interventions may be recommended.

- The conduct and content of the investigation and interview is completely confidential. They may not be discussed with anyone other than the investigators. Breach of confidentiality is a violation of the Sexual Misconduct Policy and will result in disciplinary action.
- Retaliation against any party including the complainant and respondent is a violation of the student Code of Conduct and may result in sanctions.
- Witnesses should inform the Title IX Coordinator if they become aware of attempted or completed retaliation against any party to the complaint.
- Please contact the Title IX Coordinator immediately if you are contacted by an attorney to discuss this case. As this is not a legal proceeding students should not give statements to attorneys other than their own counsel.
- For questions regarding the process please see the Sexual Misconduct Policy in the Campus Life Manual which can be found on the College website or contact Jan Masland, Title IX Coordinator at 717-358-7178 or jmasland@fandm.edu

f. Conclusion of the Investigation and Referral of the Complaint to an Administrative Review, Judicial Hearing, or Dismissal of the Complaint

Within five business days of the conclusion of an investigation, the investigators submit a written report summarizing the information gathered to the Senior Associate Dean of the College and the Title IX Coordinator. The Senior Associate Dean of the College and the Title IX Coordinator will determine whether there is enough evidence to proceed with a hearing or an Administrative Review.

If upon review of the summary, the Senior Associate Dean of the College and the Title IX Coordinator determine that there is enough evidence of a violation of the Student Code of Conduct, they may, through the process of an Administrative Review: (1) refer the complaint to the Dean of the College to assign a sanction or; (2) refer the summary to a Hearing Panel who may, by Administrative Review, make determination of responsibility and if a violation is found, make a recommendation to the Senior Associate Dean of the College for a sanction or (3) as in most cases, refer the complaint for a Sexual Misconduct Hearing for a Panel Hearing. A complaint will also be referred for a hearing upon request by either the complainant or respondent.

In the event that a Complaint is dismissed, the complainant or respondent may request that the accommodations and limitations originally placed during the investigation phase persist. Alternatively, if the Senior Associate Dean and the Title IX Coordinator find sufficient evidence to proceed, the respondent will have the opportunity to admit responsibility and waive a Hearing or Administrative Review.

- Upon being advised of the sanction the respondent may choose one of three options:
- Accept the finding and sanction
- An appeal of the sanction to the Dean of the College or designee. The criteria for an appeal are listed below in this policy.
- In the case of an Administrative Review, choose not to accept the findings/sanctions and request a Hearing of the Sexual Misconduct Panel which will be granted at the discretion of the Sr. Associate Dean of the College or Dean of the College and the TIXC

g. Hearing Procedures, Step-by-Step:

A Hearing Panel hearing normally consists of a single session that typically takes between four and six hours; but the Hearing Panel may decide to continue the hearing in its sole discretion. If the respondent or complainant has disabilities that will require accommodations during the Hearing they should notify the Chair of the Panel, when they are notified that a Hearing will be held, specifying what accommodations will be needed,

The following instructions will be read to all parties giving testimony at the Hearing:

It is essential that all information presented in this hearing be *completely confidential*. The hearing shall be conducted in an orderly manner and anyone violating that directive will be required to leave. All participants are obligated to tell the truth and be forthcoming. All participants shall speak only when recognized by the Chair.

All discussion and questions must be limited to the specific act(s) and charge(s) alleged in the complaint. The Hearing Panel will determine if a violation of the College's Code of conduct occurred. Information regarding other acts or past infractions is inappropriate at this time. Please restrict any discussion accordingly. Only information presented in connection with this hearing can be used to determine if a violation occurred.

Per the College's policy and OCR guidance, questions about the sexual history of the complainant with anyone other than the respondent are not permitted. Furthermore, the mere fact of a current or previous

consensual dating or sexual relationship between the two parties does not itself imply consent or preclude a finding of responsibility. Questions about the respondent's sexual history with anyone other than complainant are also not permitted.

Some documents in the investigative file may have been redacted to remove information not necessary for the Panel to evaluate the claims in this proceeding. The Panel should not infer anything from the redactions nor consider the redactions one way or the other in reaching its decision.

1. The Title IX Coordinator shall appoint a three-person Hearing Panel composed of two Sexual Misconduct Panel Committee members who have not served as investigators or advisors for this complaint. In most situations the College will appoint an attorney as the third member of the Hearing Panel. The Chair or designee is a non-voting member of the Hearing Panel who presides over the hearing. The Title IX Coordinator has the option of attending the Hearing proceeding as an observer.
2. The Hearing Panel reviews all materials from the investigation. One member of the Panel is appointed to schedule a preparatory meeting of the Panel.
3. The Hearing Panel notes any questions they have based upon the investigation report and may seek more information or clarification before the hearing.
4. The hearing is called to order with the complainant and respondent present with their advisors and separated by a screen so as to ensure privacy and comfort, or, if requested, connected remotely to the hearing via closed circuit television or internet connection. Witnesses are not present at this point and are kept sequestered outside the hearing room.
5. Each participant makes their own introduction and states their role in the hearing. There will be identifying "table tents" for the purpose of identifying the participants to each other for all parties except witnesses.
6. At the beginning of the hearing, the complainant and respondent will provide four copies each of their opening and closing statements and four copies of their impact statement to the Chair.
7. The Chair asks if any of the participants have questions about Hearing procedures or their rights in the Hearing.
8. All participants are reminded: (1) to be truthful; (2) to speak only when recognized by the Chair, who has full authority over the proceedings; (3) that the proceedings are confidential and should not be discussed outside of the hearing room; and (4) questioning about the complainant's sexual history with anyone other than the respondent will generally not be permitted. Questions about relevant social histories are permissible. Each witness to be called into the hearing room is informed of the same expectations.
9. The Chair introduces the formal statement of complaint and identifies the policies allegedly violated.
10. The complainant or advisor is asked to make an opening statement. These comments should be directed to areas of agreement/disagreement with the investigation report. The decision to have an advisor read the statement in lieu of the student is a personal choice to be made at any time. The Chair does not require prior notice.
11. The respondent or advisor is asked to make an opening statement. These comments should be directed to areas of agreement/disagreement with the investigation report. The decision to have an advisor read the statement in lieu of the student is a personal choice to be made at any time. The Chair does not require prior notice.
12. The Hearing Panel may ask questions of the complainant, respondent or the investigators (if the Chair has called the investigators to the Hearing). The respondent and complainant may not question each other.
13. The complainant and respondent may submit, to the Hearing Panel, relevant questions to be asked of the respondent and complainant respectively. These questions should be submitted to the Chair of the Hearing Panel no less than 24 hours prior to the Hearing. If at the conclusion of the Panel's questioning the respondent or complainant have additional questions to be asked of the other, they may submit questions in writing to the Chair of the Panel who will submit them to the Panel to be asked at the Panel's discretion.
14. Witnesses are called in order as determined by the Chair of the Panel. The complainant, respondent and Panel may question the witnesses as called upon by the Chair. Character witnesses are not called in person. Each party may, however, submit a written statement from one character witness that will be read aloud to the Panel by the Chair at the completion of all questioning. Additional witnesses identified during questioning may be called to the Hearing at the discretion of the Title IX Coordinator and/or the Chair of the Panel.
15. Any witnesses who need to be recalled and re-questioned are called and then excused.
16. The complainant or advisor is given the opportunity to make a closing statement.
17. The respondent or advisor is given the opportunity to make a closing statement.

18. The Chair confirms that no questions remain unanswered.
19. The hearing is adjourned. The Chair collects all notes, personal and investigative, from the Panel. The Respondent and Complainant may keep their notes but are advised that they are confidential and may not be shared with anyone other than the advisor, an attorney or their family. All participants other than the Hearing Panel members, Title IX Coordinator and Chair are asked to leave. The Chair will ask the complainant and respondent if they would like to hear the outcome, without sanction, of the hearing immediately after the Hearing Panel reaches its conclusion or if they would prefer to wait for a meeting with the Chair and Senior Associate Dean of the College. If the respondent and complainant choose to be notified immediately they will be notified by phone.
20. Using the “more likely than not” standard, also known as a “preponderance of the evidence” standard, as mandated by the U.S. Department of Education’s Office for Civil Rights, the Hearing Panel determines first if the respondent is responsible for violation of the policy or policies identified in the complaint. Decisions are made by majority vote of the Hearing Panel members only. The Chair and Title IX Coordinator do not vote.
 - There are three possible findings:
 - Responsible for a violation of College policy
 - Not responsible for a violation of College policy
 - Insufficient evidence for a finding of violation of College policy
21. If the Hearing Panel has found the respondent in violation of College policy, the Panel reviews any impact statements that have been submitted prior to determining its recommended sanction. Various sanctions, including but not limited to Reprimand, Warning, Suspension, Probation or Expulsion from the College, may be recommended by the Hearing Panel and implemented by the Senior Associate Dean of the College. Individuals found to have violated the College policy on non-consensual sexual intercourse through non-consensual vaginal or anal penetration with a body part or object, or through non-consensual oral penetration using a sex organ, generally will be expelled from the College.
22. The Chair and/or the Title IX Coordinator consults with the Senior Associate Dean of the College or the Dean of the College and discusses the Panel’s findings and the rationale for its recommended sanction(s). The Senior Associate Dean of the College or the Dean of the College may request a meeting with the Hearing Panel. The Senior Associate Dean of the College or the Dean of the College makes the final decision on all sanctions. The Senior Associate Dean of the College or the Dean of the College will consult with the College’s Title IX Coordinator before assigning the sanction.
23. Typically, within 48 hours of consulting with the Chair, and/or the Title IX Coordinator, the Senior Associate Dean of the College or the Dean of the College inform the parties of the outcome and sanctions, if any, and explain appeal options, and how sanctions will be implemented. These meetings take place in person or via phone depending on the preference of the complainant or respondent. The meetings are separate for each party. The Senior Associate Dean of the College will usually provide a written confirmation of the outcome and sanctions concurrently to the complainant and respondent within 5 working days of the hearing. The Title IX Coordinator will inform the advisors of the outcome.

h. Hearing Preparation Timeline:

- The Deputy Title IX Coordinator will set a date for the Hearing.
- The respondent and complainant, with their advisors, will prepare opening and closing statements as well as their impact statement to be presented at the Hearing. These statements are not submitted prior to the Hearing.
- At least 5 days prior to the date of the Hearing, the respondent and complainant will be notified in writing of the charges against the respondent. The Investigation notes and materials are shared with the complainant and respondent, their advisors, the Title IX Coordinator and the Hearing Panel.
- Within 3 business days of receiving the investigation materials, the complainant and respondent must notify the Chair of their final witness list. These witnesses should be called only if there will be testimony beyond what appeared in their written investigation interview or if they were not interviewed previously. The Chair of the Hearing Panel shall have discretion to determine which proposed witnesses and evidence the Hearing Panel will hear to provide for a fair hearing. The Chair shall also have authority to call expert sources of information, as necessary. Counselors, Psychiatrists and Psychologists are not permitted as in-person witnesses unless they have substantive testimony to provide regarding the facts of the case. Complainant and respondent may submit one written statement

from one Counselor, Psychiatrist or Psychologist. Admission of the statement will be at the discretion of the Chair. The respondent and complainant may submit a written statement from one character witness. The statement will be read by the Chair at the end of the Hearing.

- Forty-eight hours before the Hearing the Chair will share the names of all approved witnesses, including expert sources of information, with the complainant, respondent, their advisors, the Title IX Coordinator and the Hearing Panel.
- At least 2 business days prior to the Hearing all parties will be notified of the time and location of the Hearing.

-Appeals of Sexual Misconduct Panel or Administrative Review Decisions

The respondent or the complainant may appeal the Senior Associate Dean of the College's decision their case to the Dean of the College (or designee). The appeal will be conducted in an impartial manner by an impartial decision-maker. The student must file this appeal in writing, in their own words and not those of a third party, with the grounds noted, within five (5) business days after the Senior Associate Dean of the College issues a written notification of the decision. The Dean of the College or designee has the discretion of extending this deadline. Appeals may be sought on the following two grounds:

- a. on a claim of error in the hearing procedure that affected the outcome of the hearing.
- b. on a claim of new evidence, information or material that was not available at the time of the hearing and is relevant to the case.

Before deciding whether or not to hear an appeal, the Dean of the College (or designee) meets with the Senior Associate Dean of the College and the Chair of the Hearing Panel to review the procedures that the Panel followed and the evidence that it considered. If the Dean of the College (or designee) considers it necessary, the Dean (or designee) may meet with a number of Panel members or the Panel as a whole. If the Dean of the College (or designee) decides not to hear an appeal because neither of the two grounds for an appeal are met, the student is informed accordingly in writing. If the Dean of the College (or designee) decides to hear an appeal, the Dean of the College (or designee) observes the following procedural safeguards:

- a. In hearing the student's appeal, the Dean of the College (or designee) has discretion to meet with any of the participants in the hearing and discuss with them the circumstances of the case, and to draw on other sources of relevant information.
- b. The decision on the appeal will normally be within 20 business days from the time that the student files, unless circumstances require a delay in the appeal process.
- c. The Dean of the College (or designee) will review the process used with the College's Title IX Coordinator to ensure that the process meets the standards of Title IX.
- d. The decisions of the Dean of the College (or designee) are final and the respondent and complainant will be notified in writing.
- e. Both the respondent and complainant will be notified in writing of any change in result of the finding. The Dean is not expected to provide detailed reasons for any decision reached.

-Additional Information Regarding Policies and Procedures

Sexual Misconduct Panel

The Sexual Misconduct Panel shall be composed of at least 15 and no more than 35 professional staff members appointed by the Title IX Coordinator and the Deputy Title IX Coordinator in consultation with the Dean of the College. In the event of a hearing, the Deputy Title IX Coordinator or designee of the Dean of the College will serve as Chair of the Sexual Misconduct Hearing Panel. The Title IX Coordinator shall arrange for the Panel members to receive in-depth, on-going training prior to assuming their responsibilities. The training includes preparation for the roles of investigator, advisor, and Hearing Panel member.

Outcome Notification

In rare instances, the College may choose to make a brief public announcement of the nature of the violation and the action taken. The names of individuals are not used in these announcements. Certain College administrators (e.g., the Dean of the College and Director of Public Safety) may be informed of the names of individuals on a confidential need-to-know basis. Clery notifications will also be made by the Department of Public Safety. Annually the Dean of the College will send a letter to the College Community containing aggregate data regarding the outcomes of the prior year's sexual misconduct reports. No identifying information is included in the letter.

Timeframe

The College will make every attempt to complete the investigation, hearing and decision within 60 days of the initial complaint. If extenuating circumstances will delay the proceedings, the College will inform both the complainant and respondent of the circumstances. Either the complainant or respondent may request an exception to any of the timeframes stated in these policies from the Title IX Coordinator or Dean of the College. Either the Title IX Coordinator or Dean of the College may grant an exception.

Advisors

As noted above, the complainant and respondent are informed of the right to be assisted in the hearing by an advisor of their choice with the exception of a current F&M student. Advisors do not need to be members of the College community, however, advisors may be chosen from the roster of trained administrators who are members of the Sexual Misconduct Panel. No students or faculty serve on the Sexual Misconduct Panel. The complainant and respondent must choose separate advisors. If the complainant and respondent have no preference for their advisors the Title IX Coordinator or Deputy Title IX Coordinator will assign advisors from the members of the Sexual Misconduct Panel. The complainant and respondent must notify the Title IX Coordinator and Deputy Title IX Coordinator of their choice of advisor within 5 business days of filing or notification of the complaint. The advisors may be present at the hearing and are given copies of the pre-hearing documents that are given to the complainant and respondent. If the advisor is not a member of the Sexual Misconduct Panel, the respondent or complainant is responsible for providing their advisor with the pre-hearing documents. An advisor may assist a student in preparing for the hearing, which will include preparation of a closing, opening and impact statement. Breaks in the hearing are scheduled to allow an advisor to consult with the students. Advisors may not speak in the Hearing Room nor willfully circumvent the Hearing process; doing so may result in the advisor being asked to leave the Hearing Room. Advisors may not address the Hearing Panel or other persons at the hearing, however, the complainant or respondent may ask the advisor to make either an opening or closing statement on behalf and instead of the complainant or respondent.

Impact Statements

Both students will prepare an impact statement describing the impact that the initial event and subsequent related events have had on their lives. The impact statement will be reviewed by the Hearing Panel only in the event of a finding of responsibility.

Recusing Panel Members

A member of the Hearing Panel who feels that they cannot be impartial or who has an immediate interest in a particular case may not sit in judgment or be present during the proceedings. Either the respondent or complainant may question the impartiality of a member of the Hearing Panel prior to the hearing. The concerns must be stated in writing to the Chair. The Chair then consults with the member in question. The final decision about participation rests with the Chair.

Closed Hearing

All Hearings are closed but the Chair may authorize the attendance of any person who may serve a legitimate purpose in the hearing process. The respondent and complainant may have only one advisor of their choice in the Hearing Room. Other support persons are not permitted in the Hearing Room but may be present in the separate private rooms provided for the complainant and respondent during the Hearing.

Understanding how the Sexual Misconduct Hearing Differs from a Court of Law

The Student Code of Conduct, available in the College Life Manual, is neither a criminal nor a civil code and does not operate like one. The College's expectations for its community members are of a different standard of conduct than is required by law. Because the purposes of the Code are different from the purposes of law, the procedures by which the Code is implemented are, by design, more informal and less adversarial than those of a court.

Record of proceedings

Preparatory notes, witness statements and summary, one copy of all written statements of the complainant and respondent, the investigation notes and record of the finding, sanctions and other actions taken will be maintained for six years. The Hearing is recorded; the discussions and deliberations of the Hearing Panel are not recorded. The recorded record is an internal record owned by the College to be made available to the appeals officer. A student preparing an appeal may also be allowed to listen to the recording, under the supervision of a designee of the Senior Associate Dean of the College. The record of the Hearing is the property of the College

and will be maintained by the Title IX Coordinator for a period of six years.

The Record of an Appeal

The record of an appeal consists of the letter of appeal; the written statements from the parties and Dean/Officer and Chair; the written decision whether to hear the appeal and the outcome of the appeal. This record is appended to the written record of the original decision and maintained with it.

Updates to Complainant and Respondent

Both the complainant and respondent will be given periodic updates regarding the status of the investigation by their chosen adviser or, if none has been chosen, by the Title IX Coordinator, or Deputy Title IX Coordinator.

Follow-up

The Title IX Coordinator or Deputy Title IX Coordinator will follow up with all complainants and respondents after completion of the investigation or hearing process to determine if there has been any retaliation or further incidents.

Designees

It is understood that circumstances may require the substitution of administrators for alternate roles within this process. The Dean of the College or the Senior Associate Dean of the College may always choose to appoint and empower a designee.

Policy Amendment

Concerns, questions and suggestions for amendments to this policy, from any member of the College community, should be addressed to the Title IX Coordinator, Jan Masland at 717-358-7178 or jmasland@fandm.edu.

Responses to Trauma

For information on possible responses to trauma see “Information for the Complainant (Victim)” chapter in the “Sexual Misconduct Awareness Information” handbook on the F&M website

Bystander Intervention

Franklin & Marshall encourages all students to participate in making our campus safe. For information on being responsible bystanders please see “Prevention and Awareness” chapter in the “Sexual Misconduct Awareness and Information” handbook on the F&M website.

Sexual Misconduct - A Review of Resources

At F&M and in Lancaster City:

F&M’s Sexual Assault Response Line: 717-560-7311

- Access 24 hours a day to professional nurses.
- CONFIDENTIAL AND DOES NOT CONSTITUTE NOTICE TO THE COLLEGE
- Receive help exploring options
- Calls to the Response Line do not commit the student to taking any disciplinary action

When you call this line, you will speak to an off-campus answering service and be connected to the on-call professional. This person will listen and support you and will explain your options for receiving medical attention, counseling support and reporting the assault. You are in control of deciding what is best for you to do.

A call to the F&M Sexual Assault Response Line does not obligate you to make a report to the College and will not be taken as a report to the College that places the College on notice. All information discussed with the professional on this line is confidential and will not be released without your permission.

To file a complaint with the College, the student should contact the Title IX Coordinator, Jan Masland (717-358-7178), jmasland@fandm.edu. Although the Title IX Coordinator will treat this conversation with the utmost privacy, **this is not a confidential reporting resource.**

Off Campus Resources:

- Lancaster YWCA Sexual Assault Prevention & Counseling Center 24-hour Hotline: 717-392-7273
- Lancaster City Police: Dial 911
- Public Defender: must be a criminal offense to qualify
- Must apply in person
- 717-295-3584

- Lancaster County Courthouse
Court of Common Pleas
50 N. Duke Street Lancaster, PA 17602
- Lancaster Bar Association Lawyer Referral Service: 717-393-0737
- One-half hour consultation with an attorney for \$50.00. Beyond that the charge is the attorney's regular fee
- Available Monday through Friday 9am to noon
- Mid Pen Legal Services-does not handle criminal cases. Will not do stalking or harassment.
 - For information about your Clery Act rights, please see the Campus Sexual Assault Victim's Bill of Rights: <http://clerycenter.org/federal-campus-sexual-assault-victims%E2%80%99bill-rights>.

g. General Alcohol and Drug Policy

Franklin & Marshall College is committed to maintaining a healthy and safe environment that promotes respect for oneself and others, zero tolerance for disruptive behavior resulting from alcohol and other drug abuse, and compliance with the law. The policy is meant to encourage responsibility of individuals to themselves and each other, to establish procedures and guidelines consistent with local, state, and federal law, and to hold individuals and groups accountable for actions that are in violation of the policy.

The College expects each student as well as all faculty and employees to obey federal, state and local laws concerning alcoholic beverages. Students, faculty and staff who are legally privileged to use alcohol are expected to do so in a way that does not bring discredit upon themselves or the College or interfere with the rights, freedoms, or safety of others. The College further stresses that any student who illegally uses alcoholic beverages is subject to the jurisdiction of the civil authorities as well as College disciplinary procedures. The College defines its relationship with students in this area as non- custodial and stresses that there is no "special relationship" created by their status as students as it pertains to the law. The College will take no responsibility for any actions taken by students, faculty or staff who have been drinking, whether on or off campus.

General

- All faculty, staff and students are expected to abide by local, state, and federal laws pertaining to the manufacture, distribution, possession, or use of alcohol, including providing alcohol to a Franklin & Marshall student or other individual who is under age 21.
- All College-owned and College approved housing is subject to all the policies contained in the College Life Manual, including this Alcohol Policy.
- College-sponsored (departments and/or recognized student organizations) events with alcohol present must be approved by College administration in advance of the event (a minimum of 10-day advance notice though some events may require more advance notice.)

Students

Private Party Registration

Students and their guests who are 21 or older may consume alcoholic beverages in their rooms responsibly. However, excessive volumes of alcohol are prohibited in College-owned or College-approved residential facilities in which students reside, and at activities in College owned/approved residential facilities and on campus grounds that have not been registered with and approved in advance by College officials. Students must also adhere to all housing and lease regulations related to social gatherings –i.e., occupancy limits and keg bans. **All private parties with twenty or more guests where alcohol may be served must register their event with the Office of the Dean of the College. Guidelines for private party registration can be found at the Office of the Dean of the College.**

Furthermore:

- All social events sponsored by a recognized student organization at which alcohol may be consumed must be registered with and approved in advance by the appropriate College official.
- Individuals may not carry alcoholic beverages in an open container on campus property except at registered College functions at which approval has expressly been granted for such behavior.
- Open containers of alcohol are prohibited on City streets.

- In accordance with state law, College employees (including House Advisers) may not serve alcohol to minors or purchase alcohol for consumption by minors.
- College monies may not be used for purchasing alcoholic beverages for underage students, and alcoholic beverages may not be sold on campus or by any student group.
- The College very strongly discourages students from taking part in drinking games and prohibits the consumption of grain alcohol since both activities have led to alcohol abuse and critical medical situations for our students in the past.
- Under no circumstances will the consumption of alcohol constitute a mitigating circumstance.

Event Registration and Protocols

- Student events involving alcohol and sponsored by a student organization must be approved in advance by the Dean of the College and Vice President for Finance and Administration. The following protocols must be adhered to:
 - All student events involving alcohol that are sponsored by a student organization must either contract with a third party vendor or follow B.Y.O.B. guidelines (see below.)
 - Events must be registered through the Office of Student Engagement (student organizations) or the Office of Fraternity and Sorority Life (Greek organizations.)
 - Alcohol permitted at events is limited to wine, beer and fermented beverages (cider).
 - Event hosts must provide sufficient food and non-alcoholic beverages (in addition to water) in proportion to the number of people in attendance throughout the function.
 - All events must have a OSE manager or third party security in attendance for the entirety of the event to check id's and monitor the function. Students must use F&M ID (checked with birthday list) and non F&M guests must show a valid state license.

Guidelines for B.Y.O.B. events

- A College-approved bartender (T.I.P.S. or licensed) and security (FPS advisor or third-party) must be in attendance for the entirety of the event.
- Event security/FPS advisor will be responsible for checking Id's and wrist-band protocol. Wrist-band boxes will be available for pick up from Department of Public Safety.
- B.Y.O.B. events also adhere to all of the above general event registration and protocols.

Fraternities and Sororities

- Fraternity and Sorority Housing is, per the discretion of the College, "Approved College Housing" and is subject to all the policies contained in the Student Life Manual, including this Alcohol Policy.
- Individual chapters must follow their own national policies.
- The College retains the right to approve all socials for the chapters allowed by their national policy to host socials.
- All socials approved by the College will adhere to the BYOB guidelines provided in the North American Inter- Fraternity Conference publication, Making Bring Your Own Beverage Events Happen. This resource guide contains suggestions for safe and practical implementation of BYOB events. The Making Bring Your Own Beverage Events Happen can be obtained from the NIC(<http://www.nicindy.org/byob-hosting-safe-social-events/>).
- The College also supports the efforts of the Fraternal Information and Programming Group (FIPG). The mission of FIPG is: "To promote sound risk management policies and practices and to be the leading resource of risk management education, programming and information to the broad based constituency involved in all aspects of Greek life." (<http://www.fipg.org/>)

College Events

- For special events, the College may purchase alcohol for attendees of legal drinking age.
- Alcohol for a College event must be approved in advance by the responsible Senior Officer and VP for Finance and Administration.
- If students are present, an FPS employee or third party security must be in attendance for the entirety of the event to check id's and monitor the function. Students must use F&M ID (checked with birthday list) and guests must show a valid state license.

- If students are present, a College- approved bartender (T.I.P.S.- trained or licensed vendor) must be present at the event to serve the alcohol.
- Attendees under 21 must be designated as such and not be served alcohol.
- Sufficient food and non-alcoholic beverages (in addition to water) in proportion to the number of people in attendance must be present throughout the function.
- Alcohol cannot be charged for or sold; it must be distributed free of charge due to state liquor commission regulations.
- Alcohol will be purchased by the College, either through the food service provider or a local business by a designated College employee for on-site events and functions.
- All unused alcohol will be returned for credit at the location of purchase or placed into inventory with the food service provider for use at a later date. Individuals, departments or offices are not allowed to store unused alcohol for future events or functions.

Alcohol Policy – Violations <i>In all circumstances, the totality of the circumstances will be considered in assessing violations and sanctions</i>	Sanctions
First minor violation (No Strike)	
<i>These violations include but are not limited to:</i> <ul style="list-style-type: none"> • Underage consumption/possession/transportation of beer/wine • Drinking or possession of an open container of beer/wine in any public area unless explicitly authorized, regardless of possessor’s age • Failure to register a private party 	<ul style="list-style-type: none"> • Parent and Coach Notification Disciplinary reprimand • Loss of private party registration privilege for a period of time
Subsequent or Additional Minor Violations (One Strike)	
	<ul style="list-style-type: none"> • Parent and Coach notification • Disciplinary reprimand • Wellness course assessment fee of \$100 • Wellness course
Major Violations (One or Two Strikes)	
<i>These violations include but are not limited to:</i> <ul style="list-style-type: none"> • Underage consumption/possession/transportation of hard alcohol • Drinking or possession of an open container of hard alcohol in any public area unless explicitly authorized, regardless of possessor’s age • Inducing or coercing others to consume any alcohol • Possession of an unregistered keg or beer ball on College property • Purchasing alcohol for minors or serving or making alcohol available to minors • When the serving or consumption of alcohol contributes to behavior that (1) intimidates or harasses others (2) leads to the destruction of property, (3) infringes on the peace and/or privacy of others. • Prior incidents resulting in a strike 	<ul style="list-style-type: none"> • Parent and Coach notification Probation for one year* with or without notation on student’s transcript at the discretion of the Senior Associate Dean of the College or designee <ul style="list-style-type: none"> • Wellness course assessment fee of \$200 • Wellness course

Major Violations (Three Strikes)

<p><i>These violations include but are not limited to:</i></p> <ul style="list-style-type: none"> • DUI • When the serving or consumption of alcohol injures or threatens to injure others (assault) 	<p>Parent and Coach notification Either suspension for one or two semesters without refund, with completion of a certified treatment program as a condition of return and notation on student's transcript; or expulsion</p>
--	--

Drug Policy - Violations	Sanctions
Minor violation (One Strike)	
<p><i>These violations include but are not limited to:</i></p> <ul style="list-style-type: none"> • Possession of drug paraphernalia (bongs, pipes, or other items used specifically to consume, inhale, smoke, or inject illegal or controlled substances, etc.) • Small amount 	<p>Parent Notification</p> <p>Wellness course assessment</p> <p>Fine of \$100 per strike</p>
Major Violations (One, Two, or Three Strikes)	
<p><i>These violations include but are not limited to:</i></p> <ul style="list-style-type: none"> • Possession and/or use of illegal drugs, controlled substances, or other's prescription drugs • Inducing or encouraging others to consume illegal substances • Presence (one strike) • Use (two strikes) 	<p>Parent Notification</p> <p>Probation with or without notation on student's transcript at the discretion of the Senior Associate Dean of the College or de- signee or either suspension for one or two semesters without refund, with completion of a certified treatment program as a condition of return and notation on student's transcript; or expulsion if three strikes are issued</p> <p>Wellness course assessment fee \$100 per strike</p>
Major Violations (Three Strikes)	
<p><i>These violations include but are not limited to:</i></p> <ul style="list-style-type: none"> • Dealing or distributing illegal drugs, controlled substances, or prescription drugs 	<p>Parent and Coach notification Either suspension for one or two semesters without refund, with completion of a certified treatment program as a condition of re- turn and notation on student's transcript; or expulsion</p>
Health and Well Being Interventions	
<p><i>Any indication that a student may have a problem with drugs or alcohol could result in the following actions to protect the health and wellbeing of that student:</i></p> <ul style="list-style-type: none"> • Substance Use Education Group Substance Use Assessment 	

During the period of Probation, if the student is found in violation of any College policy, the student will immediately be suspended from the College.

A strike will be forgiven one calendar year after the date of the initial violation, provided that the student has not violated any College alcohol or drug policy during that one-year period. For each subsequent 100-consecutive-day period without violations, an additional strike will be removed.

College Amnesty Policy:

The following students will not be subject to the sanctions of the College’s Alcohol Policy. However, Health and Well Being Interventions may still occur. These may consist of a requirement to participate in an alcohol use assessment, as well as other appropriate measures.

1. Students who are seeking medical, counseling or Public Safety assistance for another student.
2. Students who are seeking medical, counseling or Public Safety assistance for themselves.
3. Students for whom medical, counseling or Public Safety assistance has been sought by another student.

The College cannot grant amnesty or immunity from citation or arrest by legal authorities, i.e., the Department of Public Safety, or Lancaster or Manheim Township Police officers.

EMTs are dispatched through the Department of Public Safety. If an EMT is contacted directly by a student, the EMT will instruct the student to call DPS to dispatch the EMT.

This policy grants amnesty from College sanctions only for alcohol consumption. Combative or uncooperative behavior is considered to be misconduct and may invoke sanctions.

PENNSYLVANIA LAW

1. All persons while in the Commonwealth of Pennsylvania are subject to the Pennsylvania Liquor and Penal Code.
2. It is illegal for anyone who has not reached the age of 21 to possess, transport, or drink alcoholic beverages in Pennsylvania.
3. The law also prohibits the selling or furnishing of alcoholic beverages of any kind to persons under 21 years of age by any agency or any person. ‘Furnish’ is defined as: “To supply, give or provide to, or allow a minor to possess on premises or property owned or controlled by the person charged” (Pennsylvania Crimes Code, 1986).
4. In addition, it is unlawful to misrepresent one’s age to any person to obtain alcoholic beverages or to represent to any person that a minor is of age.
5. Further, it is unlawful to transport liquor that was not purchased, obtained, or possessed according to Pennsylvania law.
6. It is illegal to possess, manufacture, or sell a false ID card whether or not the card is used to obtain alcoholic beverages. It is also illegal to attempt to obtain alcoholic beverages by using another person’s ID card.
7. The law has been interpreted to mean that no person under 21 years of age may pay assessments that will be used in whole or part for the purchase of alcoholic beverages.
8. Finally, it is against the law to charge admission to an event at which alcohol is being served (or to sell alcoholic beverages) without a liquor license. The College does not have a liquor license.

All students should be aware of the following sections of the 1986 revision of the Pennsylvania Crimes Code, Title 18, Act 31: Liquor Law Violations and Penalties.

Section 6307 Misrepresentation of Age: A person, being under the age of 21, knowingly and falsely represents himself to be 21 years of age or older...for the purpose of procuring or having furnished to him, any liquor or malt or brewed beverages.... **FIRST OFFENSE:** Summary violation, \$300 fine and suspension of driver’s license for 90 days. **SUBSEQUENT OFFENSE (S):** Misdemeanor III, \$500 fine, suspension of license for 1–2 years. **MANDATORY SENTENCING.**

Section 6308 Possession and Transportation: A person...less than 21 years of age, attempts to purchase, purchases, consumes or possesses, or knowingly and intentionally transports liquor.... Parents notified of arrest. **FIRST OFFENSE:** \$300 fine, suspension of license for 90 days. **SUBSEQUENT OFFENSE (S):** \$500, suspension of license for 1– 2 years.

Section 6309 Representing that Minor is of Age (i.e. a person other than yourself): ...guilty of a misdemeanor of the third degree if he knowingly, willfully and falsely represents to any licensed dealer, or other person any minor to be of full age, for the purpose of inducing...to sell, furnish any liquor...to the minor. PENALTY: \$300–2,500 fine, one-year imprisonment or both. MANDATORY SENTENCING.

Section 6310 Inducement of Minors to Buy Liquor: ...misdemeanor of the third degree if he hires or requests or induces any minor to purchase, or offer to purchase liquor...from a... licensed dealer for any purpose. PENALTY: as in section 6309 above. MANDATORY SENTENCING.

Section 6310.1 Selling or Furnishing to Minors: A person...intentionally and knowingly sells or...furnishes, or purchases with the intent to sell or furnish, any liquor... to a person... (under the age of 21). FIRST OFFENSE: Misdemeanor III, \$1000–2,500 fine, one-year imprisonment, or both. Subsequent: \$2,400–5,000 fine, one-year imprisonment. MANDATORY imprisonment. MANDATORY SENTENCING.

h. Weapons Policy

Franklin & Marshall College strictly prohibits the introduction, possession or use of weapons everywhere on campus and college owned or controlled properties off campus.

"College Premises" includes: Events, College-sponsored activities, on and off-campus, College special events, all College-affiliated buildings, and all College owned properties as well as College Row Apartments, College Hill Apartments, JSP Houses and all College approved landlord properties in which Franklin & Marshall students reside. So as to safeguard the College community, this prohibition shall be given the broadest possible interpretation and on grounds.

For the purpose of this policy, weapons include, but are not limited to any device which can expel a projectile and/or other dangerous weapon including:

- Handguns, rifles, shotguns, air guns, pellet guns, BB guns and any other type of firearm. *
- Electronic incapacitation devices (Tasers).
- Knives which include but are not limited to any knife with a blade length of more than four inches, any knife with a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity, or by an outward, downward or centrifugal thrust or movement. This excludes eating utensils.
- Axes, swords, bows and arrows.
- Explosives, fireworks or ammunition of any kind.
- Any martial arts or security equipment of a dangerous nature, including Chinese stars, nunchakus, brass knuckles and spiked gloves.
- Any other items which, in their intended use, are capable of inflicting serious injury.

Because these weapons may pose a clear risk to persons and property on the campus, violation of the regulations may result in administrative action from the college and/or prosecution under the appropriate state or federal laws.

Weapon: A weapon is generally something used to injure, defeat, or destroy and may cover many types of instruments, such as a blackjack, slingshot, billy, metal knuckles, dagger, knife, pistol, revolver, or any other firearm, razor with an unguarded blade, and any metal pipe or bar used or intended to be used in a club, among others.

Possession: Physical possession on the person or placing or keeping a weapon at any location on the College campus, including an individual's living quarters or workplace, in any vehicle, or in an individual's container including but not limited to backpacks, briefcases, purses, wallets, bags and luggage.

Introduce: To bring any weapon onto College property or to assist anyone in bringing any weapon onto College property.

*No person shall be permitted to carry firearms or other weapons, concealed or not concealed, with or without a concealed weapon permit, while on properties owned or controlled by the College, without the express written permission of the Director of the Department of Public Safety.

i. Fire Safety Policies

As Franklin & Marshall Students, you have rights regarding personal safety and security. In order to ensure these rights for you and your fellow students, you must abide by certain policies. Fulfilling these policies and requirements is your responsibility as a student at F&M. Minimum mandatory sanctions will be imposed for failing to comply.

In the event of a fire, the building fire alarm should be activated and the Department of Public Safety should be called (ext. 3939) to have them assist in evacuating residents. Students should familiarize themselves with the location of fire alarm pull stations, fire extinguishers, exits and a designated meeting place during alarms. Fire extinguishers, smoke detectors, heat detectors, sprinkler heads and pull stations are installed for the protection of building occupants, and are wired directly to the Department of Public Safety.

Tampering with fire protection systems or turning in a false alarm is a violation of the Lancaster City Fire Code and the laws of the Commonwealth of Pennsylvania and is classified as a felony, punishable by a fine and/or imprisonment of up to five years. A student found guilty of this felony also could be expelled from the College.

This policy extends to all residential facilities including, but not limited to all College owned and approved housing.

Student Fire Safety Expectations:

- Health & Safety Inspections — Random Health & Safety inspections will take place throughout the year. Any safety violation will be recorded.
- Fire Alarms — When the fire alarm in your building sounds, it is your responsibility to leave the building immediately. Although some fire alarms are false, you must treat every fire alarm as if a real fire is occurring. Maliciously pulling a fire alarm is a serious offense. It disrupts the life of every resident in the building and places at risk the lives of the responding fire personnel and resident staff. If you witness an alarm being pulled falsely, notify your HA immediately.
- Fire Extinguishers — Fire extinguishers are placed in specific locations throughout each residence hall. These extinguishers should be used only in the event of an actual fire. Misuse of a fire extinguisher is a very dangerous act.
- Door Propping — The first step toward a safe community is keeping the exterior door properly locked. Propping open a building door leaves the building and its residents vulnerable to all crimes. The FOB access system for each residence hall door monitors propping. In the event that a door is propped open for more than 60 seconds, a silent alarm sounds to which the Franklin & Marshall DPS will respond.

Prohibited items in residential facilities (except in designated approved areas such as kitchens)

- Space heaters and heating blankets
- Non UL extension cords are not allowed.
- Only UL approved strips with surge
- Any style of halogen light or lamp
- Octopus lights and lamps (any light with more than three "arms")
- Grills are not permitted inside facilities. Lighter fluid is prohibited in all areas.
- All non-College mattresses are prohibited in the residence halls.
- All types of foam mattress topper (egg crate, memory foam, etc.) are particularly flammable
- The College reserves the right to determine whether personal furnishings (chairs, couches, etc.) are fire-safe.
- Heat-producing appliances. This includes coffee makers, toasters, toaster ovens, hotplates,
- Candles, incense, hookahs, and other sources of open flame.
- Firecrackers, gasoline, propane tanks, or other highly combustible items

Other issues:

- Smoking (including "smokeless" cigarettes or "vaping") is prohibited in all residence halls.
- Construction of partitions, bunk beds, lofts, and other additions to your room is not allowed.
- Posters, flags and other wall hangings must be used sparingly. Hanging objects, flags, banners or equivalent from windows is ~~prohibited~~
- Exits may not be blocked or used for storage

Description of Violations and Sanctions

Level I Violations

- Presence of extension cords
- Use of room partitions or dividers of any kind
- Use of bed risers, cinderblocks, or lofted furniture of any kind
- Presence of unused candles, incense, or ashtrays
- Prevention of egress through any residence room door, window, or window seat area
- Excessive wall décor in a residence hall or apartment space
- Wall décor that attaches to ceilings or connects one wall to another (*e.g.*, tapestries, posters,
- Presence of a tapestry that is not flameretardant
- Connecting more than two strings of light together in a residence hall or apartment space
- Propping of doors
- Removal of screens

Level I Sanctions

- \$50 fine
- Removal of prohibited item(s) by student or College Official (if applicable) *
- Referral to Student Conduct process

Level II Violations

- Presence of used candles, incense, ashtrays
- Presence of halogen lamp
- Use of electrical appliances (*e.g.* toaster ovens, microwave ovens, heating coils, George Foreman grills, *etc.*)

out- side of a kitchen (in an apartment) or kitchenette (in a residence hall)

- The charging of a hover board or related item, whether through an electrical outlet or other means, in any College-owned or College-approved property is a Level II violation of the College's Fire Safety policy

Level II Sanctions

- \$100 fine
- Removal of prohibited item(s) by student or College Official (if applicable) *
- Referral to Student Conduct process

Level III Violations

- Failure to evacuate when a fire alarm sounds
- Presence of lit candles or incense
- Smoking of any substance inside any building or residence hall on campus (includes the presence of evidence of smoking. i.e. ash and/or butts in the window, as well as “smokeless” cigarettes or “vaping”)

Level III Sanctions

- \$200 fine
- Removal of violation by student or College Official (if applicable) *
- Referral to Student Conduct process

Level IV Violations

- Covering or attaching items to fire safety equipment in an on-campus residence, including
- Presence of firecrackers, gasoline, propane tanks, or other highly combustible items
- Presence of unattended lit candles and incense
- Damage, misuse, or theft of firefighting equipment (i.e. unwarranted discharge of fire extinguisher)

Level IV Sanctions

- \$300 fine
- Removal of violation by student or College Official (if applicable) *
- Referral to Student Conduct process

Level V Violations

- Falsely reporting a fire by pulling the fire alarm or contacting emergency personnel
- Damage, misuse, or theft of fire alarm

Level V Sanctions

- \$500 fine
- Referral to Student Conduct process
- Possible criminal prosecution by City of Lancaster

j. Identification Card Policies

Students are required to carry their cards at all times and to present them at the request of a College official or public safety officer. The ID card can only be used by the person whose name appears on the card; lending or altering a card may subject the owner to disciplinary action.

Loss of the card must be reported immediately both to the Campus Card Office and to the Library so that lost cards can be deactivated to prevent unauthorized use. There is a \$15 card replacement charge for damaged or lost cards. Cards that no longer function properly will be replaced at no charge, assuming that the card has not been damaged or abused.

k. Loss or Damage to Personal Property

The College does not assume responsibility for loss of or damage to personal property of residents through fire, theft, or other causes. The College recommends that each student or his or her parents carry insurance against loss of and damage to personal property.

l. Lancaster City Noise Control

The City of Lancaster has a Noise Control Ordinance that prohibits noise above certain levels, particularly between the hours of 9 p.m. and 8 a.m. Some provisions of the ordinance apply at *any* time. The ordinance covers noise made by stereos, radios, car horns, musical instruments, animals and other instances. A Special Noise Variance can be obtained from the City Police Department of Lancaster. Students should be familiar with the Noise Control Ordinance, copies of which are available from the Department of Public Safety.

6. OTHER COLLEGE POLICIES

a. College Houses

All regularly enrolled first- and second-year students, except approved commuting students who live at home or with a legal guardian within a 50-mile radius, are required to live in their College House during their first year at the College, either in their College House, a College House annex building or in an approved Theme House during their second year at the College, and in College approved housing for the remainder of their time at the College. Exceptions must seek approval in advance by the Office of the Dean of the College. Each spring, a room selection process will be held for upper class students.

The College has established basic expectations that require each student to assume maximum responsibility for the environment in which he or she lives. All students are expected to abide by the Student Code and act in such a manner that the rights, safety and comfort of others are not disturbed. Behavior inconsistent with these values could lead to administrative action. Such cases may also result in civil action and/or action by the Office of the Dean of the College or designee.

Students are also expected to establish and observe College House rules.

College policies are in effect whenever College-owned/approved housing is occupied. It is the responsibility of each student and his or her guests to be aware of the regulations and to adhere to them, as well as to policies outlined in the housing contract and in other sections of the College Life Manual, including the alcohol policy.

b. Canvassing and Commercial Enterprises

For the protection of residents, canvassing, soliciting and commercial enterprises are prohibited unless approved in advance by the Director of Student Engagement and Leadership. In order to obtain approval, individuals should contact the Director of Student Engagement and Leadership. Unapproved items will be removed from halls and responsible individuals and/or groups may face disciplinary action.

The Director of Student Engagement and Leadership must also approve club fundraising projects and personal profit-making enterprises. Such sales, for limited periods of time only, are restricted to tables in lower level of the College Center, except by special advance approval.

c. Cooking and Appliances

Air conditioners, hot plates, microwave ovens, electric heaters and heavy appliances, such as large refrigerators, are not permitted in college housing. Micro ridges (small 2.1 cu. ft. refrigerators with attached microwaves) or compact, energy efficient refrigerators are available to students through a rental arrangement with a local firm. They may not be used in the Theme Houses due to voltage restrictions.

d. Lockouts

A student who becomes locked out of his/her College-owned residential facilities, should contact the Department of Public Safety for an unlock assist. The first unlock assist a student requests is free of charge. All subsequent lockout assistance is billed at \$10 per occurrence.

e. Pets

No student may keep a pet(s) in college-approved housing. This includes all reptiles, all mammals and any other animals that live outside of water; the only exception is fish. Aquariums must be 20 gallons or smaller. Pets also are not allowed in the Steinman College Center or any food service areas at any time. The City of Lancaster Health Code prohibits animals in areas where food is served, and a City of Lancaster ordinance requires dogs to be leashed in public places. Licensing laws are strictly enforced. Copies of the City's "Dog Law" are on file at the Department of Public Safety. Emotional Support Animals and Service Animals are approved through Student

7. RESIDENTIAL LIFE

a. Room Changes

Room changes can be made only with the approval of the House Dean, or, in the case of special interest housing, the Director of Housing. In most cases, room changes are not allowed during the first and last three weeks of each semester. Please note that suites and apartments cost more than single or double rooms. Accounts may reflect a different housing charge once a student changes rooms.

b. Room Condition

Repairs to on-campus and theme housing should be reported to the Service Response Center at repairs@fandm.edu or House Adviser (HA). Only authorized maintenance personnel are permitted to install equipment and to make alterations or repairs.

c. Smoking Policy

Smoking is not permitted in any of the College's residential facilities (including "smokeless" cigarettes or "vaping"). Please see the College's nonsmoking policy for additional details.

d. Damages

In any community living environment, items must be replaced periodically due to normal wear and tear. Students are expected to use care in the use of College facilities. Students are held responsible for damages, which cannot be considered normal wear.

If an individual causes damage, he/she should report it to their Dean or to Facilities & Operations within 24 hours after the damage occurred. The individual is held accountable for the cost of the needed repair(s).

When damage occurs but no one takes responsibility, the House Dean will conduct an investigation to identify the responsible individual(s). If the responsible individual is identified, he/she is subject to replacement costs, fines, and other sanctions as deemed appropriate. If the responsible individual(s) cannot be identified, the residents of the wing, floor, or building will be assessed common area damage charges.

Residential Rooms/Apartments: The resident(s) will be responsible for the condition of the room assigned to him/her as well as the College property issued to the room. Each room will be inspected by Facilities & Operations staff prior to occupancy, and also upon termination of occupancy. Students are required to do an inspection of their room at occupancy with the provided room inventory form and report any issues to Facilities & Operations. Damage charges will be levied for any lack of cleanliness and/or damage/vandalism to, or theft or loss of college property, including loss of keys issued to the resident. Students are responsible for any damage or loss to the premises caused by their guests. Unless a specific resident is identified for the purpose of billing, the charges will be divided equally among the occupants of the room.

If there is damage to suite/apartment common area, the occupants of the suite/apartment will each be billed an equal portion of the bill.

Lounges / Common Areas: Lounges / Common Areas are assessed for damages each week throughout the academic calendar. It is understood that the residents are responsible for any damage or loss and non-routine cleaning/trash removal required to the common areas of the residence halls and their furnishings, including vending machines and other equipment placed in the residence halls as a convenience to the residents. Damages in common areas are charged to the person(s) responsible (if identified). Otherwise, all floor or hall residents may be collectively charged. Any damage or loss of residence hall recreation equipment is charged to the person(s) responsible (if identified). Otherwise, all residents may be collectively charged. The College is not liable for theft or damage to the personal belongings of resident students.

Damage Billing: If damages are assessed to a student or groups of students, those charges will be found on the student's tuition bill. In special cases, a separate bill may be sent to the student. Charges are made on the basis of estimated damage to existing College property and, in many instances, estimated labor charges.

Please see the Facilities & Operations website for more information. <http://www.fandm.edu/facilitiesoperations>

e. Keys

For the safety of all students, lost keys and/or FOBs must be reported immediately to Facilities and Operations Service Response Center at (717) 358-3900. F&O will then change the lock and replace the keys. There is a \$40 lock recombination fee, a \$10 charge per replacement key, and \$50 for replacement FOBs.

Stolen keys and/or FOBs must be reported immediately to the Department of Public Safety.

f. Pictures/Ornaments

While we seek to help students find a way to create a sense of home in their residential space, we require that students limit that to decorations and belongings that will not damage the facility. In hanging fixtures and other ornaments in student rooms and residential common areas care must be taken so that painted surfaces are not damaged and smoke detectors are not covered.

Painter's tape, Command strips/hooks, and poster putty are the recommended means for affixing items to walls. At no time should nails, screws, duct tape, masking tape, or glue/epoxy be used on any surfaces or furniture.

Flags, banners, and similar items may not be hung out/displayed from windows on the exterior of the building/residence hall.

g. Pests/Bugs

Structural and landscape pests pose significant problems to people, property, and the environment. Pesticides can also pose risks to people, property, and the environment. It is therefore the policy of Franklin & Marshall College to incorporate Integrated Pest Management (IPM) procedures for control of structural and landscape pests. Please see the Facilities & Operations website for more information. <http://www.fandm.edu/facilitiesoperations>

h. Furniture

Each residence hall room is supplied with furniture for the students. This includes a bed, mattress, dresser, desk and chair. Furniture quantity may not match the occupancy, even so, all College owned furniture, whether one or two sets, must stay in the room

College-provided furniture may NOT be removed from a student's bedroom for any reason, including but not limited to bedframes, mattresses, dressers, bookcases, chairs, desks and wardrobes. Room furniture may not be placed in a dormitory hallway at any time; it will be removed, and the student to whom it was assigned will be fined.

For significant health and safety reasons, students are prohibited from bringing certain used, or second-hand, furniture onto the Franklin & Marshall College campus. Prohibited items include used or second hand:

1. Upholstered chairs and sofas
2. Futons
3. Bean-bag chairs
4. Any other furniture containing cushions or stuffing.

i. Room Condition/Issues

Repairs to on-campus and theme housing should be reported to the Service Response Center.

- Online Work Order System: <http://repairs.fandm.edu/helpdesk>
- Phone: (717) 358-3900
- Email: repairs@fandm.edu

F&O will remove any non-approved space heater for safety and fire-prevention reasons.

j. Contracts

No student or employee of the College may sign a contract that legally obligates the College with any external third party without the approval of an adviser, department chair, or supervisor and the signature of the Associate Vice President for Finance on the contract.

8. WITHDRAWALS AND LEAVES OF ABSENCE

The federal government prescribes the treatment of Title IV aid in the event a student withdraws. At Franklin & Marshall, all leaves of absences, whether informal or formal, are treated as withdrawals for the purpose of returning Title IV aid. When the Office of Financial Aid receives notice of a leave of absence or withdrawal from Franklin & Marshall, the Office must calculate the percentage of the semester that the student was enrolled. If the student withdraws after the semester is 60% completed, the student has earned all Title IV aid for the semester and no funds will be returned to the federal government. If the student withdraws prior to the 60% point in the semester, the percentage of the funds that were not earned will be returned in the following order:

- Unsubsidized Stafford Loan
- Subsidized Stafford Loan
- Perkins Loan
- PLUS Loan
- Pell Grant
- SEOG
- Other Title IV programs

If the student has received a refund credit prior to withdrawing, the student will be responsible for repayment of the Title IV funds per Return to Title IV requirements, either to the College or the federal government. The College will notify the student of his or her responsibilities regarding the repayment of unearned Title IV funds that have already been disbursed and refunded to the student.

9. HEALTH LEAVES AND POLICIES

The Staff of the F&M Student Wellness Center may recommend, whenever it is deemed clinically appropriate, and after individualized analysis, that the Office of the Dean of the College or designee place a student on a Leave of Absence for Health Reasons. A student may also request a recommendation for a Leave of Absence for Health Reasons through the staff of the F&M Student Wellness Center. If a student is unwilling to follow a recommendation for a Leave of Absence for Health Reasons, a Required Leave of Absence for Health Reasons may be recommended to the Office of the Dean of the College.

A Leave of Absence for Health Reasons is typically the result of, but is not limited to, the following situations:

- a) A medical and/or mental health condition requiring more intensive treatment than can be provided on campus.
- b) A medical and/or mental health condition that is significantly interfering with the student's ability to function academically.

When a student is placed on leave, he/she is typically withdrawn from courses for that semester while obtaining appropriate care from a licensed health care provider. Reinstatement to the College is dependent on review of medical records, evaluation and recommendation by the staff of the F&M Student Wellness Center and approval by the Readmission Committee. (See the College Catalog for full leave of absence policies).

The F&M Student Wellness Center does NOT issue medical excuses for missed classes due to illness. If it is the recommendation of a health care provider that a student should not attend class, should be sent home, or should be hospitalized, the student's College House Dean will be notified to place the student on a short-term medical leave and professors will be notified by email from that office.

It is mandatory that all students have medical insurance coverage either through a guardian/parent's policy or private insurance or by purchasing the plan available through the College. Students who do not complete the waiver indicating their insurance coverage will be billed for the Student Health Insurance Plan (SHIP) designed specifically for the students of Franklin & Marshall. Students who intend to participate in intercollegiate, club, or intramural sports, as well as students insured through managed care programs, are strongly urged to consider this plan as a supplement to their coverage.

All incoming first-year and transfer students are required to submit a medical history form to be completed by their family physician. Proof of required immunizations along with a tuberculosis risk assessment are required sections of the incoming physical form.

a. Class Absence Notification Policy

The F&M Student Wellness Center recognizes that students are responsible for adhering to professors' attendance policies and that only faculty members can excuse students from class. The F&M Student Wellness Center **DOES NOT** issue class absence notes. Students are encouraged to communicate with their professors directly with regards to missed classes, preferably prior to the missed class.

We recognize that not all acute illnesses warrant visits to the F&M Student Wellness Center. We also recognize that individuals' tolerance for acute illness is variable. The F&M Student Wellness Center can only verify visits. We cannot verify an illness that has already resolved by the time of the visit.

With the student's signed consent, the F&M Student Wellness Center will verify that the student was seen and evaluated. A student's professor will need to contact the F&M Student Wellness Center, either by phone or email should they need to verify an appointment. Visits to the F&M Student Wellness Center for illness **DO NOT** equate to a class excuse. Excuse for a missed class, presentation, or exam, is at the discretion of individual professors. Any student who is ill at home and is not seen by the F&M Student Wellness Center will need documentation from their primary care provider in order to verify a medical illness for any missed activity.

Certain health situations (detailed below) may result in professors receiving a communication directly from the Dean's Office or the F&M Student Wellness Center.

b. Short Term Medical Leave

Students who are advised by a medical professional to **NOT** attend class, are sent home due to a health related condition, or are hospitalized, are issued a short-term health leave. Professors receive email communication, including specific dates of the recommended absence, from the Dean's office. Short-term health leaves are only recommended in the case of severe illness in which it is a risk to the particular student or classmates for that student to attend class. Short-term health leaves **DO NOT** apply to individual class absences. Students who choose to go home to see their personal physician for an acute problem can only receive a short-term medical leave **AFTER** the F&M Student Wellness Center has received documentation from the home physician.

c. Additional Policy

If a student is being treated and followed for a health related condition that could impact class attendance or performance, (e.g., concussion, acute mononucleosis) an email will be sent directly to the appropriate professors provided the student gives consent to do so.

Students missing an exam or presentation while being seen at the F&M Student Wellness Center due to an illness may give consent at the time of the visit for the professor to be informed of the situation. This notification to the professor **DOES NOT** automatically result in an excused absence from the exam or presentation.

The F&M Student Wellness Center does not believe students should miss class for medical appointments on or off campus. If this cannot be avoided and the professor requires verification of the appointment, the student can give consent for the professor to be informed. The F&M Student Wellness Center requires documentation from an off-campus provider to verify appointments.

A staff member of the F&M Student Wellness Center can only speak with a professor about a student's medical situation if the student signs a formal consent to do so per required privacy laws.

10. NON-SMOKING POLICY

In order to promote the health and safety, comfort and well-being of all members of the College community, Franklin & Marshall prohibits smoking:

- inside all buildings on campus, including academic and administrative buildings, the Alumni Sports and Fitness Center and the Steinman College Center,
- in all indoor public areas and restrooms,
- in shared as well as private offices,
- in College Houses/College-owned residential facilities,
- at all indoor and outdoor athletic events,

- inside College vans, chartered buses, or other College vehicles used for mass transportation,
- within 30 feet any campus building(s).

Lighted smoking materials are not permitted in any indoor public areas of the College, offices, or Houses/College-owned residential facilities. Smokers are expected to dispose of smoking materials properly and safely; trash receptacles are provided near most campus buildings for this purpose.

“Smokeless” cigarettes or “vaping” are not permitted in any indoor public areas of the College, offices, or Houses/College-owned residential facilities.

11. PARKING AND MOTOR VEHICLES

a. General Statement

Bringing a car to campus is a privilege, not a right. Operation of a personal car is not a requirement of any College program, and students bring and operate cars at their own risk. The College attempts to assist vehicle owners by furnishing appropriate parking regulations and limited parking spaces but assumes no responsibility for theft or vandalism to vehicles parked on College property.

b. Motor Vehicle Registration

First-year students are prohibited from bringing vehicles to campus or surrounding neighborhoods. Any other student who plans to operate a motor vehicle, including a motorcycle or moped, in the Lancaster area must register that vehicle with Auxiliary Services within 24 hours of its being brought into the Lancaster area.

Registration of motor vehicles is done online through Inside F&M and the permit is mailed to your campus mailbox.

c. Campus Speed Limit

The campus speed limit is 15 miles per hour. Motorized scooters are prohibited in Lancaster City.

d. 24-Hour Student Parking

The student parking area behind Weis Hall, Ware College House and Bonchek College House (with the exception of the Special Permit Parking, which must be applied for through the Parking Committee at the Department of Public Safety), and North Campus west parking lot offer 24-hour student parking. For continued safety of vehicles parked in student parking areas, it is strongly advised that owners make frequent checks of their vehicles. No student parking is permitted in the lot on the west side of College Square at anytime.

e. Off-Campus Parking

Student parking is not permitted on the residential side of Race Avenue or on West Frederick Street, West New Street, West Clay Street and West Ross Street between Race Avenue and State Street.

Employees, students and guests are requested to observe both Lancaster City and Franklin & Marshall regulations. Street cleaning signs are posted in the neighborhoods.

f. On-Campus Parking

Parking is permitted only within lined spaces. Reserved spaces and all spaces in Williamson Field parking lot are for faculty and professional staff, Monday to Friday, 7.m. to 5 p.m. Student parking is permitted in the Williamson Field Parking Lot between 5 p.m. to 2 a.m. on weekdays and 7 a.m. to 2 a.m. on weekends and holidays. Williamson Field parking lot and the lot on the east side of College Square are closed to all parking seven nights a week from 2 a.m. to 6 a.m. No student parking is allowed at any time in the Food Services 24-hour reserved spaces.

Vehicles may never block fire lanes or exits.

Questions regarding parking will be answered by the Department of Public Safety.

g. Parking and Driving Penalties

Students are expected to operate their vehicles within the provisions of the Commonwealth of Pennsylvania Vehicle Code. Persons violating campus parking and driving regulations are subject to fines up to \$50 per occurrence depending upon the violation. Failure to abide by these parking and driving regulations may result in penalties, including towing of vehicle and/or College disciplinary action.

Parking fine appeals must be made within five working days of the offense at the Department of Public Safety. Appeals are reviewed and ruled upon by the Parking Review Board, composed of a member of professional staff and two students. Public Safety presents the appeal but is not a voting member of the review board. The Board's decision on an appeal is final.

After five parking violations, settled or unsettled, in one academic year, a letter will be sent to the student that future violations could result in his/her vehicle being towed from campus at his/her expense. A copy of this letter will be sent to the student's parents. Vehicle towing will begin with each subsequent violation.

After ten parking violations, settled or unsettled, in one academic year, a student will be issued a Disciplinary Reprimand, which will be placed in the student's file. The student will be required to perform ten (10) approved work hours by the end of the academic year. Towing of the student's vehicle, at his/her expense, will remain in effect with each subsequent violation. These conditions are in addition to the student being liable for payment of all parking fines. Until all fines are paid, diplomas and/or transcripts will be withheld from graduating seniors and returning students. Failure to complete the required

ten (10) approved work hours will result in further disciplinary action and the suspension of campus parking privileges.

Parking regulations are always in effect, even during evenings, weekends and vacations.

h. Regulations on Other Vehicles

Skateboards, motorized scooters, hover boards or similar equipment are not permitted on College property or College-approved housing.

i. Bicycle Registration

All students who bring bicycles with them to campus are required to register them with the Department of Public Safety. A decal is issued which aids in recovery if the bicycle is lost or stolen. Bicycles should be securely locked to bicycle racks provided on campus. For continued bicycle safety, it is strongly advised that students make regular and frequent checks of their bicycles and use a U-shaped, kryptonite lock to secure the bicycle rather than a cable and padlock.

j. Car Sharing

F&M has contracted with Enterprise Car Share to provide our students (18 yrs. +) access to cars that are available to rent by the hour or day. Membership with Enterprise is required and is completed on-line at: enterprise-carshare.com/FandM. Membership includes: fuel, dedicated parking spot, maintenance, physical damage/liability coverage for members 18 and over (where available) with a valid driver's license.

Enterprise CarShare is a totally automated rental process where, once you're a member, all you need to rent an Enterprise CarShare vehicle is access to the internet. Once a member, go to EnterpriseCarShare.com which is mobile-friendly. Log in, and reserve the vehicle you want for the time you need. Use your Enterprise CarShare membership smart card to access the vehicle. The keys are in the glove box and you're on your way! Return the vehicle to the same area you picked it up from and put the keys back in the glove box. Use your membership smart card to lock the doors when your rental period has ended. Enterprise CarShare has low rates by the hour, the day, overnight, or even on the weekends. International Driver's License accepted.

The cars are parked in the Race Avenue Parking Lot at the west end of Weis College House.