

College of the Holy Cross
Sex-Based Discrimination and Harassment Policy

Table of Contents

I.	STATEMENT OF VALUES AND COMMITMENT TO NON-DISCRIMINATION	4
II.	COMMITMENT TO NON-DISCRIMINATION	4
III.	HOW THE COLLEGE SEEKS TO ADDRESS SEX DISCRIMINATION AND OTHER FORMS OF MISCONDUCT, INCLUDING SEX-BASED HARASSMENT	5
A.	SEX-BASED DISCRIMINATION AND HARASSMENT POLICY (“THIS POLICY”)	5
B.	EQUAL OPPORTUNITY AND DISCRIMINATORY HARASSMENT POLICY (“EO POLICY”)	5
IV.	CORE PRINCIPLES RELATING TO THIS POLICY	6
V.	RESPONSIBILITIES OF THE TITLE IX COORDINATOR	7
VI.	COLLEGE RESOURCES AND COMMUNITY RESOURCES	7
A.	PRIMARY CONFIDENTIAL RESOURCE PROVIDER (“PCRP”).....	8
B.	OTHER CONFIDENTIAL EMPLOYEES AVAILABLE, INCLUDING ON CAMPUS MEDICAL, COUNSELING AND PASTORAL EMPLOYEES....	8
VII.	MAKING REPORTS	10
A.	INDIVIDUAL REPORTING (NON-ANONYMOUS)	10
B.	ANONYMOUS REPORTING	10
C.	REPORTING TO LAW ENFORCEMENT.....	11
D.	OTHER GOVERNMENT REPORTING OPTIONS.....	12
VIII.	DUTY TO REPORT DISCRIMINATION, HARASSMENT, RETALIATION AND OTHER MISCONDUCT	12
IX.	CONSENSUAL SEXUAL RELATIONSHIPS INVOLVING EMPLOYEES.	13
A.	EMPLOYEE RELATIONSHIPS WITH STUDENTS	13
B.	RELATIONSHIPS BETWEEN SUPERVISORY EMPLOYEES AND OTHERS	13
X.	PRIVACY CONSIDERATIONS	14
A.	PRIVACY OF PARTIES AND WITNESSES.....	14
B.	UNAUTHORIZED DISCLOSURES	14
C.	REQUESTS FOR CONFIDENTIALITY OR NO INVESTIGATION	14
D.	DISCLOSURE OF SEX-BASED HARASSMENT AT PUBLIC AWARENESS EVENTS.....	15
XI.	PROHIBITED CONDUCT AND OTHER IMPORTANT DEFINITIONS	15
A.	PROHIBITED CONDUCT	16
1.	<i>Sex-Based Discrimination or Harassment</i>	16
2.	<i>Sex-Based Harassment.</i>	16
a.	<i>Sexual Harassment</i>	16
b.	<i>Sexual Assault</i>	17
c.	<i>Relationship Violence (Dating Violence or Domestic Violence)</i>	17
d.	<i>Stalking</i>	17
e.	<i>Sexual Exploitation</i>	18
f.	<i>Inducing Incapacitation</i>	18
g.	<i>Media-Based Misconduct</i>	18
h.	<i>Aiding or Assisting</i>	19
3.	<i>Retaliation</i>	19
4.	<i>Other Violation.</i>	19
B.	ADDITIONAL IMPORTANT DEFINITIONS	19
1.	<i>Consent, Coercion, and Incapacitation</i>	19

2.	<i>Complaint</i>	20
3.	<i>Complainant, Respondent and the “Parties”</i>	20
XII.	HOW THE COLLEGE WILL ADDRESS ALLEGATIONS OF PROHIBITED CONDUCT UNDER THIS POLICY	21
A.	INITIAL STEPS	21
1.	<i>Initial Contact and Availability of Reporting Options</i>	21
2.	<i>Supportive Measures</i>	22
3.	<i>Presumption of Non-Responsibility</i>	22
4.	<i>Emergency or Interim Removal</i>	22
5.	<i>Policy Implicated</i>	23
6.	<i>Policy Not Implicated: Referral to Other Process</i>	23
7.	<i>Dismissal of Complaints</i>	24
8.	<i>Appeals of Dismissals</i>	24
B.	INFORMAL RESOLUTION PROCESS.....	25
1.	<i>Initiation of Process</i>	25
2.	<i>Discretion</i>	25
3.	<i>Notice</i>	25
4.	<i>Process and Potential Outcome for Informal Resolution</i>	25
C.	THE INVESTIGATION PHASE	26
1.	<i>Notice of an Investigation</i>	26
2.	<i>Right to a Single Advisor and Single Support Person in Cases Alleging Sex-Based Harassment and Other Discrimination Cases Not Involving Sex-Based Harassment in which both the Complainant(s) and Respondent(s) are either Student(s) or Current Employee(s)</i>	27
3.	<i>Designation of Investigator</i>	28
4.	<i>Nature of the Investigation</i>	28
5.	<i>The Parties’ Identification of Potential Witnesses and Documentation</i>	29
6.	<i>Interviews and Questioning</i>	30
7.	<i>Content of the Investigation Report</i>	30
8.	<i>Review by the Parties</i>	30
9.	<i>Voluntary Agreement to Policy Violation</i>	31
D.	ADJUDICATION BY DETERMINATION PANEL OR DETERMINATION OFFICER.....	31
1.	<i>Convening the Determination Panel or Appointment of a Determination Officer</i>	31
2.	<i>Role and Authority of the Determination Panel or Determination Officer</i>	32
3.	<i>Determination Panel or Determination Officer Decision</i>	33
4.	<i>Preponderance of the Evidence</i>	34
5.	<i>Consolidation</i>	34
E.	DETERMINING SANCTIONS	34
1.	<i>Sanctioning Decision</i>	34
2.	<i>Types of Sanctions</i>	35
3.	<i>Considerations</i>	36
4.	<i>Additional Remedies</i>	37
F.	NOTIFICATION OF OUTCOME	37
G.	APPEALS.....	39
1.	<i>Submission of Appeal and Grounds for Appeal</i>	39
2.	<i>Opportunity of the Other Party to Review the Appeal</i>	40
3.	<i>Appointment of Appellate Officers and Conflicts of Interest</i>	40
4.	<i>Determination of Appellate Officer(s)</i>	40
5.	<i>Teaching Faculty Respondents Sanctioned with Dismissal</i>	41
H.	ADDITIONAL MATTERS	43
1.	<i>Delegation</i>	43
2.	<i>Timeframe for Completion of Investigation and Grievance Process</i>	43
3.	<i>Duty of Honesty</i>	43
4.	<i>Duty of Cooperation</i>	44

5.	<i>Single Record of the Proceedings</i>	44
6.	<i>Disability Accommodations</i>	44
7.	<i>Amnesty in Certain Circumstances</i>	44
8.	<i>Academic Freedom and Educational Setting</i>	44
9.	<i>Special Situations</i>	45

I. Statement of Values and Commitment to Non-Discrimination

The College of the Holy Cross is a community of trust based in the Jesuit tradition whose existence depends on strict adherence to standards of conduct set by its members. Among these are standards regarding human sexuality, any expression of which must affirm the integrity and dignity of oneself and others. Sex discrimination, in all forms, violates the sanctity of the human body and spirit and will not be tolerated within the College community. The College is committed to providing an environment of well-being, learning, and accountability for its members by acting promptly and effectively to end any sex discrimination in the College's programs or activities, prevent its reoccurrence, and remedy its effects.

II. Commitment to Non-Discrimination

The College rejects and condemns all forms of harassment, wrongful discrimination, retaliation and disrespect, and is committed to sustaining a welcoming environment for everyone and especially those vulnerable to discrimination on the basis of a person's race, religion, color, national origin, age, marital or parental status (including pregnancy and pregnancy related conditions), veteran status, sex, disability, genetic information, sexual orientation, gender identity or any other legally protected status, while reserving its right where permitted by law to take action designed to promote its Jesuit and Catholic mission.

It is the policy of the College to adhere to all applicable state and federal laws prohibiting discrimination and discriminatory harassment. The College does not discriminate unlawfully in admission to, access to, treatment in or employment in its programs and activities on the basis of a person's actual or perceived race, religion, color, national origin, age, veteran status, sex (including sex stereotypes, sex characteristics, pregnancy or related conditions¹, sexual orientation, gender identity or expression and marital or parental status), disability, genetic information, or any other legally protected status, while reserving its right where permitted by law to take action designed to promote its Jesuit and Catholic mission. This non-discrimination policy is further described in this policy and the Equal Opportunity and Discriminatory Harassment Policy. The Associate Vice President of Title IX and Equal Opportunity (who also serves as the College's Title IX Coordinator and ADA/504 Coordinator) ("Title IX Coordinator") has been designated by the College to respond to general inquiries regarding the College's non-discrimination policies:

Derek DeBoges
Associate Vice President of Title IX and Equal Opportunity
College of the Holy Cross
Hogan Campus Center
Suite 506 Worcester, MA 01610

¹ This includes the right to reasonable accommodations in connection with pregnancy or a condition related to pregnancy including, but not limited to, lactation, or the need to express breast milk for a nursing child. Please see this [LINK] with respect to accommodations for pregnancy or a condition related to pregnancy available to students and the [Reasonable Accommodation Procedures for Employees, Applicants for Employment and Third Parties](https://www.holycross.edu/sites/default/files/files/policyprocedure/adminfinance/final_procedures_for_applicant_and_employees_9-21-2018.pdf) (available at https://www.holycross.edu/sites/default/files/files/policyprocedure/adminfinance/final_procedures_for_applicant_and_employees_9-21-2018.pdf) for further information.

508-793-3336
ddebobes@holycross.edu

Individuals may report complaints to the Title IX Coordinator or at this [link](#).

Concerns about this policy may be raised with the Title IX Coordinator. Individuals may also raise concerns about this policy with the U.S. Department of Education’s Office for Civil Rights (“OCR”), 5 Post Office Square, Boston, Massachusetts. The OCR’s contact information is (617) 289-0111 or OCR.Boston@ed.gov. Note that contacting OCR will not alter the College’s response to allegations of sex discrimination.

III. How the College Seeks to Address Sex Discrimination and Other Forms of Misconduct, Including Sex-Based Harassment

The College’s commitment to non-discrimination includes an assurance that the College will not tolerate discrimination or harassment based on actual or perceived sex (including sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity or expression and marital or parental status), or other unlawful bases or retaliation. This prohibition includes sexual harassment, sexual assault, dating and domestic violence, and stalking, when such behavior constitutes sex discrimination. The College follows through on this commitment against discrimination and harassment through the implementation of two policies:

A. Sex-Based Discrimination and Harassment Policy (“this Policy”)²

This Policy defines prohibited conduct including, but not limited to, sex discrimination, sex-based harassment (including, but not limited to, sexual harassment (including quid pro quo sexual harassment and hostile environment sexual harassment), sexual assault, domestic and dating violence, stalking, sexual exploitation, media-based misconduct, inducing incapacitation, aiding and assisting), and retaliation, violation of the prohibition of employee relationships with students, violation of the prohibition of relationships between supervisory employees and others, failure to report, violation of the duty of honesty or cooperation or other violation of this Policy. It also describes the process by which the College will address such conduct in different circumstances.³

B. Equal Opportunity and Discriminatory Harassment Policy (“EO Policy”)

The EO Policy (available at [link](#)) defines prohibited conduct and a process by which the College will address such conduct. Examples of conduct triggering the EO Policy include, but are not limited to, the following:

² This Sex-Based Discrimination and Harassment Policy, is effective as of August 1, 2024. This Policy will apply to conduct alleged to occur on or after that date. Prior versions of the College’s sex discrimination and sex-based harassment policies (including the Sexual Misconduct Policy) are available at <https://www.holycross.edu/sexual-respect-and-title-ix/overview>.

³ The College reserves the right to address systemic claims under different appropriate College policies. In such cases, the College will provide specific notice of the policy and process to be utilized to address the claim of discrimination.

- Discrimination or harassment based on actual or perceived race, religion, color, national origin, age, veteran status, disability, or genetic information.
- Domestic violence, stalking, sexual exploitation, media-based misconduct, inducing incapacitation, aiding and assisting, employee relationships with students, relationships between supervisory employees and others, or retaliation⁴ to the extent that those concerns are not required to be addressed under this Policy.
- Failure to make a mandated report, violation of the duty of honesty or cooperation, violation of the prohibition of recording the proceedings or other violation.

Both policies also prohibit retaliation against any individual seeking to exercise a protected activity and/or effectively take part in either process. The Title IX Coordinator will evaluate reported concerns and decide which policy applies as further described below.

This Policy applies to all College community members and all individuals meeting the definition of “Complainant.” All members of the College community are responsible for being familiar with and abiding by this Policy at all times. A person’s status as a community member or the applicability of this Policy in a particular situation shall be determined by the AVP of Title IX/EO in their sole discretion, or as otherwise required by applicable law.

IV. Core Principles Relating to this Policy

The College is committed to the following core principles:

- A. The College’s policies, procedures, and practices are designed to reduce the incidence of sex-based discrimination, end sex discrimination when it is found to exist, prevent it from recurring, and remedy its effects.
- B. The College recognizes that in some cases persons affected by sex discrimination will wish to remain anonymous and/or not pursue formal action. While the College empathizes with that position and the notion that people should have autonomy to do what is appropriate in their situation, the College strongly encourages every person who has been subjected to sex discrimination, or who knows or reasonably believes that someone else has been subjected to such discrimination, to come forward to report the matter. Regarding employees, including student-employees who received the information about sex-discrimination while acting within the scope of their employment duties,⁵ the College broadly requires reporting unless information is learned in a confidential professional role or is otherwise exempt from reporting as a matter of law or College policy. Timely reporting enables the College to provide the affected person with information about resources and resolution procedures, as well as to provide

⁴ In certain instances, complaints alleging other discrimination or harassment on the basis of sex, sexual orientation, gender identity or expression, pregnancy, marital or parental status, sexual harassment, sexual assault, and dating violence may be adjudicated under the EO Policy to the extent those concerns are not required to be addressed under this Policy. This determination will be made by the Title IX Coordinator.

⁵ This determination will be made by the Title IX Coordinator.

appropriate supportive measures. The College prohibits retaliation against any person who makes a good faith report of sex discrimination.

- C. Actions called for in this Policy will be executed by individuals who are appropriately trained annually, and promptly on any hiring or change in position that affects their Title IX duties, on issues relating to sex discrimination and their Title IX obligations. This includes, as appropriate to the role, unbiased training on sex discrimination, investigatory procedures, and procedures to protect the safety and rights of students and employees and promote accountability, fair procedures, and commitment to discharging their responsibilities in accordance with the Policy.
- D. The College periodically will review its policies, procedures, and practices to ensure that they are consistent with these core principles and pursuant to procedures established by the College, including, but not limited to review of best practices and current professional standards. This policy shall be made available in writing to any applicant, student or employee of the College upon request.

V. Responsibilities of The Title IX Coordinator

The Title IX Coordinator is charged with coordinating the College's program to comply with Title IX. This includes leading the College's efforts to respond to reports of conduct that could trigger this Policy. The Title IX Coordinator is also available to meet with any individual to provide information about the implementation of this Policy (including the availability of supportive measures and the informal resolution process, the investigation, and the formal resolution/sanction process), as well as discussing other resources within the College community and beyond. The Title IX Coordinator, and/or other qualified members of the College community, will assist, as necessary, with these efforts.

The Title IX Coordinator at least annually will report to the College community relevant information relating to sex discrimination and its policies addressing such discrimination, such as number of reports, the number and types of matters investigated, the number and types of cases in which findings of responsibility were made, the number and types of sanctions imposed, and the time frames in which cases were resolved. The Title IX Coordinator will also monitor for any barriers to reporting and take steps reasonably calculated to address them.

Where the Title IX Coordinator is listed as the designated point of contact for any role in this Policy, they may designate another appropriate member of the College community to assume the role at issue, as necessary. Further, as described below all College employees, other than confidential resources, are required by College policy to disclose reports and information concerning conduct that reasonably may be sex discrimination prohibited by this Policy, as well as other forms of discriminatory conduct that are not acceptable to the College. Failure to report may be a separate ground for discipline under this Policy, the EO Policy, or other College policies.

VI. College Resources and Community Resources

There are several departments within the College community that can be called upon to respond to

incidents of inappropriate behavior and can serve as supports to individuals in many ways. As relevant to this Policy and the EO Policy, these resources are available to both Complainants and Respondents and other community members regardless of where the alleged event occurred (except as prohibited by law).

A. Primary Confidential Resource Provider (“PCRP”)

If you are not sure if you want the College to know there was an incident triggering this Policy, you may wish to contact the PCRP. The PCRP is trained in awareness and prevention of sex discrimination, sex-based harassment, sexual assault, dating or domestic violence or stalking and in responding to harm in a sensitive manner to help individuals. The PCRP may review with the individual reporting options and the effects of each option; provide referrals to counseling on- or off-campus; provide information about available resources; explain the College’s grievance procedures; provide information about how to contact the Title IX Coordinator and how to make a complaint; explain that the Title IX Coordinator may be able to offer and coordinate supportive measures, initiate an informal resolution process or initiate an investigation under the grievance procedures; explain how the legal process is carried out through local law enforcement agencies; and inform the complainant of their rights and the College’s responsibilities in obtaining a criminal protection order, a College no contact directive, and/or a College no trespass order. The PCRP will explain their confidential role, including that they may not disclose confidential information concerning sex discrimination and sexual misconduct without written consent unless otherwise required by state or federal law. The PCRP has no duty to report sex discrimination or sexual misconduct to the College or to the Title IX Coordinator. In addition, Massachusetts law states that a confidential communication with respect to sexual misconduct shall not be subject to discovery and shall be inadmissible in a criminal or civil proceeding without the prior written consent of the party who shared the information.

B. Other Confidential Employees Available, Including On Campus Medical, Counseling and Pastoral Employees

In addition to the PCRP, some other College employees serve in professional roles in which communications are provided privileged status under Massachusetts law (e.g., licensed mental health care providers, licensed medical providers, ordained priests). Other College employees serve as sexual discrimination resources and are provided confidential status as a matter of Title IX and College policy (e.g., chaplains and ombudspersons). All confidential employees may not report identifying information to the College about behavior that may constitute sex discrimination or sexual misconduct which may implicate this Policy or the EO Policy without a voluntary written waiver by the individual who supplied the information in question or otherwise in compliance with law.⁶ These confidential employees are instructed to inform individuals of their right to file a

⁶ Confidential resources generally will not share identifiable information without the reporting individual’s voluntary written waiver unless: (1) sharing is required to address an imminent risk of harm to the safety of the community at large, the individual sharing the information, or another member of the community; (2) the individual alleged to have been harmed is a minor (under 18), in which case the Massachusetts Department of Children and Families must be notified; or (3) elder or disabled individual abuse has been alleged. Please note that such employees who receive reports when not functioning in their privileged, licensed or confidential capacity are required to report and may be disciplined under this or separate policies for failure to report.

complaint under this Policy, the EO Policy and/or with the police and may assist in that process. They must also: provide information about how to contact the Title IX Coordinator and how to make a complaint; explain that the Title IX Coordinator may be able to offer and coordinate supportive measures, initiate an informal resolution process or initiate an investigation under the grievance procedures; and explain their confidential role, including that they may not disclose confidential information without written consent unless otherwise required by state or federal law. Confidential employees must also provide information described further at this [link](#) to a student, or a person who has a legal right to act on behalf of a student, when such person informs the confidential employee of the student's pregnancy or related conditions.

Please note that any employee who receives a report about sex discrimination when not functioning in their privileged, licensed, or confidential capacity are required to report sex discrimination or possible sex discrimination. If there is a question about reporting, confidential employees may, consistent with their legal obligations and ethical requirements, provide limited information to discuss this with the Title IX Coordinator and other appropriate individuals on campus. The Title IX Coordinator, in coordination with other appropriate College staff, will make the final decision regarding any conflict concerning a confidential communication. Confidential employees may also be asked to provide statistical information about incidents to the Title IX Coordinator and/or the Clery Act Compliance Coordinator without revealing personally identifiable information regarding the identities of the individuals involved.

Confidential employees (other than the PCRCP in matters involving sexual assault, dating or domestic violence or stalking), may decline to serve in an advisor capacity in their discretion and the College recommends that confidential employees not serve in advising roles. The College wishes for all parties to be able to utilize any form of confidential resource at the College and it may present a conflict of interest if, for example, both parties sought confidential support from a confidential employee that is serving as an advisor for the other party. Similarly, parties should understand that confidential employees may be designated as such because of their specific role, e.g., counselors, health services personnel. If a party wishes to also utilize that individual as an advisor, both the party and the confidential employee may be opening the door to otherwise confidential and privileged disclosures. To that end, if a confidential resource wishes to serve as an advisor, the party and the advisor should consider discussing this with the Title IX Coordinator before the advising role begins.

The chart at this [link](#) is designed to assist members of the College community in understanding available confidential employees and contact information. Any questions as to the reporting status of an individual may be asked of a confidential employee in one of the categories below or directed to the Title IX Coordinator.

VII. Making Reports

A. Individual Reporting (Non-Anonymous)

Any individual may report behavior implicated by this Policy or the EO Policy to the Title IX Coordinator. Individuals may also make a report to, or discuss an allegation under those policies with, other College employees. The College recognizes that individuals may feel most comfortable

discussing incidents, situations, and allegations with College employees whom the individual knows well. However, it is important to note that College employees, other than the confidential employees described above (when they are acting within the scope of their confidential duties), are obligated by College policy to disclose to the Title IX Coordinator reports and information shared with them that reasonably may constitute discrimination or harassment based on actual or perceived race, religion, color, national origin, age, veteran status, sex (including, but not limited to, discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity or expression, marital or parental status, sex-based harassment, sexual assault, dating or domestic violence, and stalking), disability, genetic information, and/or retaliation toward any member of the College community. These employees are known as “Responsible Employees.” Responsible Employees must also provide the contact information of the Title IX Coordinator and information about how to make a complaint of discrimination or harassment to any person who provides them with information about conduct that reasonably may constitute discrimination or harassment. Finally, when a student, or a person who has a legal right to act on behalf of the student, informs any Responsible Employee of the student’s pregnancy or related conditions, unless the Responsible Employee reasonably believes that the Title IX Coordinator has been notified, the Responsible Employee must promptly provide that person with the Title IX Coordinator’s contact information and inform that person that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student’s equal access to the recipient’s education program or activity.

Except for the confidential employees listed above, all full-time and part-time faculty and all other employees (including those with administration and advising roles) are considered Responsible Employees and are mandated reporters. With respect to student employees and other student roles, the College will determine which student employee roles and other student roles require mandated reporting. Currently, dining captains and residence assistants (as a result of their status as a Clery Act Campus Security Authority) are considered mandated reporters. The mandatory reporting obligations do not apply to employees, student-employees or other student roles, when they are the individual that has personally been subject to the reportable conduct.

B. Anonymous Reporting

The College maintains an anonymous reporting form for those individuals who desire to report a complaint anonymously. Anonymous reports are permitted and will be reviewed and routed to the Office of Title IX and Equal Opportunity. Do not submit any personally identifiable information on the report form if you desire to remain anonymous. The anonymous reporting tool is available at this [link](#) and from the College’s Sexual Respect and Title IX website at <https://www.holycross.edu/sexual-respect-and-title-ix>. The anonymous reporting form may not be used to satisfy a Responsible Employee’s reporting obligation. The College may be required in accordance with state and/or federal law to: (i) investigate or address the alleged sex discrimination, including when the alleged act was reported anonymously; (ii) assess whether a report triggers the need for a timely warning or emergency notification under law or College policy, the obligations of which may, in limited circumstances, result in the release of the reporting party’s identity if provided; and (iii) disclose the identity of a reporting party (if known) to another employee or a third party. In addition, the extent of the College’s response may depend on the level of detail shared in the report.

C. Reporting to Law Enforcement

Individuals who believe that they may have been victims of a crime are encouraged to file a criminal complaint with the Department of Public Safety (508-793-2222) and/or the state or local police department (911) where the incident occurred. An individual may also file a complaint under this Policy or the EO Policy, regardless of whether they file a criminal complaint. While the College encourages individuals to report potentially criminal incidents to law enforcement so appropriate measures can be taken to help individuals and prevent future crimes, individuals who experience misconduct are never required to report that incident to law enforcement. The contact information for the Department of Public Safety, as well as other local law enforcement resources, includes:

- Holy Cross Department of Public Safety, One College Street, Worcester, MA 01610, 508- 793-2222. If you wish to file a report on campus, an officer in the Department of Public Safety is available to meet with you to receive your report.
- Worcester Police Department, 9-11 Lincoln Square, 508-799- 8606.
- West Boylston Police Department, 39 Worcester Street, 508-835-3233.
- District Attorney's Office, Child Abuse and Sexual Assault Unit, 255 Main Street, Worcester, MA, 508-792-0214.
- The Worcester County State Police, Detective Unit, 508-832-9124.

If you would like assistance in filing a report with the state or local police department, the Department of Public Safety will help. If you wish to file a report with off-campus authorities, you may choose to go directly to the local police department. The College will provide transportation for you to go to the police department to file a report with no questions asked unless your health or safety is at risk. You also may choose to have officers from the state or local police department come to campus. The College can arrange for a discreet and private place to meet for this purpose. These resources will provide information with respect to how to obtain a court-issued protective order. If an individual obtains a protective order under state or federal law with respect to a College community member, or one is issued pursuant to a criminal case, the individual should notify the Associate Vice President of the Department of Public Safety and provide a copy of the order and, following receipt and review thereof, the Associate Vice President of the Department of Public Safety and Title IX Coordinator will meet with the individual with respect to the enforcement of the protective order. In addition, or alternatively, you may seek a College issued no-contact order through the Title IX Coordinator.

D. Other Government Reporting Options

Other state and federal agencies may also be available resources if an individual has been subjected to discriminatory conduct that violates state or federal law. Individuals may file a formal complaint with the government agencies set forth below. Using the College's grievance procedures does not

prohibit individuals from filing a complaint with these agencies.

These include:

- **U.S. Department of Education, Office of Civil Rights**
5 Post Office Square, 8th Floor
Boston, MA 02109
617-289-0111
- **U.S. Equal Employment Opportunity Commission**
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
617-565-3200/800-669-4000
- **Massachusetts Commission Against Discrimination**
 - Worcester: 18 Chestnut St., Suite 520, Worcester, MA 01608, 508-453-9630
 - Boston: 1 Ashburton Place, Boston, MA 02108, 617-994-6000
 - Springfield: 436 Dwight Street, Springfield, MA 01103, 413-739-2145
 - New Bedford: 800 Purchase Street, New Bedford, MA 02740, 508-990-2390

Additional resources for both those who experienced or are accused of sexual misconduct are included in the FAQ document at this [link](#).

VIII. Duty to Report Discrimination, Harassment, Retaliation and Other Misconduct

Other than the confidential employees described above in Section VI, all full-time and part-time faculty and all other employees (including those with administration and advising roles) are considered Responsible Employees who are mandated reporters. This means that they are obligated by the College to promptly disclose to the Title IX Coordinator reports and information shared with them that reasonably may constitute discrimination or harassment based on actual or perceived race, religion, color, national origin, age, veteran status, sex (including but not limited to discrimination based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity or expression, marital or parental status, sexual harassment, sexual assault, dating and domestic violence and stalking) disability, or genetic information or retaliation toward any member of the College community.. These employees must also provide the contact information of the Title IX Coordinator and information about how to make a complaint of discrimination or harassment to any person who provides them with information about conduct that reasonably may constitute discrimination or harassment. In addition, College employees who are designated as campus security authorities (CSAs) for the purposes of the Clery Act must provide the Department of Public Safety with non-identifying statistical information regarding all reported incidents of Clery crimes (including, but not limited to, sexual assault, dating violence, domestic violence, stalking and hate crimes). Any questions about the reporting or confidentiality status of an individual may be directed to the Title IX Coordinator.

Any Responsible Employee who fails to make a report to the Title IX Coordinator upon learning of an allegation of prohibited conduct under this Policy, the EO Policy or the Policy on Protection

of Children may be subject to disciplinary action under this Policy, the EO Policy or other appropriate College policies. For requirements regarding mandated reporting of child abuse and neglect, please see the Policy on Protection of Children at this [link](#).

IX. Consensual Sexual Relationships Involving Employees.

A. Employee Relationships with Students

No faculty member or other employee (whether permanent, temporary, full- or part-time), vendor, contractor or volunteer may engage in any type of romantic or amorous relationship or sexual activity of any type, even if consensual, with a student at any time. Student-employees are not considered “employees” for the purpose of this paragraph. The College may make exceptions to this prohibition on a case-by-case basis and only with the express prior written approval of the Vice President of Human Resources and the Title IX Coordinator. The College retains discretion to adjudicate the allegation separately or under the EO Policy, another College policy or procedure.

B. Relationships between Supervisory Employees and Others

Romantic or amorous relationships that might be appropriate in other circumstances have inherent dangers when they occur between supervisors and individuals whom they supervise. Such relationships are fundamentally asymmetric and unprofessional, and they raise serious concerns about validity of consent, conflict of interest, and fair treatment in the workplace. Such relationships are to be avoided because they may create an impression of inappropriate or inequitable professional advantage or favoritism that is destructive to the working or learning environment and may raise doubts about the integrity of work performed. In addition to the prohibition of employee-student relationships, College administrators, faculty, and staff should be aware that any sexual, dating or romantic involvement with any individual, including faculty, staff, or person engaged as volunteer, intern, or independent contractor, over whom they have direct supervisory responsibility, even if consensual, is prohibited by the College through the EO Policy. Even when both parties have initially consented to such a relationship, it is the administrator, faculty member, or staff member who, by virtue of their special supervisory responsibility, will be held accountable for the unprofessional relationship or abuse of authority. The Title IX Coordinator, together with either the Provost/Dean of the College with respect to faculty members, or the Vice President of Human Resources with respect to other employees, will make exceptions to this prohibition in appropriate circumstances (e.g., a dual career couple recruited to work in the same scholarly area), with implementation of any necessary measures to avoid conflicts of interest or the appearance of conflicts of interest. The College retains discretion to adjudicate the allegation separately or under the EO Policy, another College policy or procedure.

X. Privacy Considerations

A. Privacy of Parties and Witnesses

The College will take reasonable steps to protect the privacy of the parties and witnesses during the grievance procedures, provided that these steps do not restrict the parties’ ability to: obtain and present evidence, including by speaking to witnesses (provided that this contact is not retaliatory);

consulting with their family members, confidential resources, or advisors; or otherwise preparing for or participating in the grievance procedures. The College will not disclose personally identifiable information except when it has obtained voluntary written consent or it is disclosed to an individual with the legal or policy right to receive such disclosures to carry out the College's Title IX obligations or as required by federal or state law.

B. Unauthorized Disclosures

The College will take reasonable steps to prevent and address the parties' (and, if applicable their advisors' and support persons') unauthorized disclosure of information and evidence obtained solely through the grievance procedures. Disclosures of such information and evidence for purposes of administrative proceedings, legal claims or litigation related to the complaint of sex discrimination are authorized.

C. Requests for Confidentiality or No Investigation

The College will act with discretion regarding the privacy of individuals and the sensitivity of the situation when it receives a report of conduct that could trigger this Policy. The College will not share the identity of a party except as necessary to carry out the College's grievance policies and procedures or as permitted by federal or state law. In addition, this provision does not limit disclosure of findings of responsibility if permitted by applicable law. There are certain instances in which the College has a broader obligation to the College community and may need to override an individual's request for privacy or that the College not investigate a matter or not continue with an investigation in which a Complainant is unwilling to continue to participate. This would most commonly be considered if the individual accused presents a broader threat to the health and safety of the community. Because such requests could impact the College's ability to appropriately address and resolve the behavior in question, the College will weigh these requests very carefully. In such cases, the Title IX Coordinator will evaluate the request for confidentiality or that an investigation/discipline not occur (which requests must be in writing) and make a fact-specific determination of whether the alleged conduct presents an imminent and serious threat to the health or safety of any students, employees, or other persons; or whether the alleged conduct prevents the College from ensuring equal access on the basis of sex in any of its programs or activities. The Title IX Coordinator will consider several factors including, but not limited to:

- The Complainant's request not to proceed with initiation of a complaint.
- Reasonable safety concerns regarding initiation of a complaint.
- The scope of the alleged sex discrimination, including whether there appears to be a pattern or history of alleged perpetration or violence, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals.
- There exists a threat alleged that an individual threatened further or future violence, or there is a risk that additional acts of sex discrimination would occur if a complaint were not initiated.
- The severity of the alleged sex discrimination, including whether the discrimination, if established, would require the removal of an individual from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence.
- Whether the misconduct was alleged to have been committed by multiple parties.
- The age and relationship of the parties, including whether the Respondent is an

employee of the College and/or whether the Respondent holds a position of power over the impacted individual(s) or others.

- The impacted individual is a minor.
- A party does not want to go forward because of threats, coercion, or other conduct that could be viewed as a form of intimidation.
- The availability of evidence to assist a decision-maker in determining whether sex discrimination occurred; and
- Whether the College could end the alleged sex discrimination and prevent its recurrence without initiating its grievance procedures.

If the Title IX Coordinator decides to initiate a Complaint, they will inform the Complainant prior to proceeding and address reasonable concerns about the Complainant's safety or the safety of others, including through providing supportive measures prior to proceeding. The Title IX Coordinator will also, to the extent possible, share this information with the individuals responsible for handling the College's response and others involved in the investigation and the oversight thereof. If a Complainant requests that the College inform the Respondent that the Complainant asked the College not to investigate or seek discipline, the College will honor the request and inform the Respondent that the College made the decision to proceed independently. If the Title IX Coordinator decides not to initiate a complaint, they will consider continuing supportive measures for the Complainant, such as increased or targeted education or prevention measures, increased monitoring, security or supervision, conducting surveys and/or revisiting its policies and practices. If utilized, such action is not a form of sanction.

D. Disclosure of Sex-Based Harassment at Public Awareness Events

The College recognizes the importance of public awareness events such as "Take Back the Night," candlelight vigils, "survivor speak outs" and other public forums to raise awareness and to allow community members to support each other and speak out. Holy Cross will not consider information conveyed from such events as a formal report, though information learned at such public events may be considered as it relates to broader sex-based harassment, and it may take action if the Title IX Coordinator indicates that there is an imminent and serious threat to the health or safety of any community member. This response can include the Title IX Coordinator offering and coordinating supportive measures, offering an informal resolution process, or initiating a complaint. Reports that do not indicate the need for an immediate response may be considered by the College to inform its prevention and education efforts. This includes providing tailored training on sex-based harassment when the College has information of multiple potential incidents at a location or in a program or activity.

XI. Prohibited Conduct and Other Important Definitions

The definitions in this section apply to all College community members. All members of the College community are responsible for being familiar with and abiding by them. This section includes not only the definitions of Prohibited Conduct, but also other important concepts like consent and incapacitation.

A. Prohibited Conduct

1. Sex-Based Discrimination or Harassment

Sex-based discrimination is a form of sex discrimination, including discrimination and harassment based on actual or perceived sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity or expression, marital or parental status. Sex-based harassment also includes sexual harassment (quid pro quo harassment and hostile environment harassment) and may include other forms of harassment based on sex as further described below.

2. Sex-Based Harassment.

Sex-based harassment is a form of sex discrimination, including harassment based on actual or perceived sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity or expression, marital or parental status. Sex-based harassment also includes sexual harassment (quid pro quo harassment and hostile environment harassment) and may include other forms of harassment based on sex, sexual assault, dating violence, domestic violence, stalking, sexual exploitation, media-based misconduct, inducing incapacitation, and aiding and abetting as further described below). Sexual gratification is not an element required by the definition of sex-based harassment.

a. Sexual Harassment

Sexual harassment is a form of sex-based harassment, as well as a specific form of Prohibited Conduct. Sexual harassment can also occur in the context of other forms of Prohibited Conduct. For example, pervasive stalking may satisfy the definition of stalking and, if the hostile environment conditions are also satisfied, sexual harassment. Sexual Harassment can take several forms, including:

i. Quid Pro Quo Harassment

Any action taken by an employee, agent, or person authorized to provide an aid, benefit or service under the College's program or activity in which submission to or rejection of unwelcome conduct of a sexual nature is made either explicitly or implicitly a term or condition of an individual receiving an aid, benefit or service under the College's education program or activity. This can include grades, recommendations, extracurricular programs or activities, or employment opportunities.

ii. Hostile Environment Harassment

This is unwelcome sex-based conduct that, in the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the College's education program or activity (*i.e.*, creates a hostile environment). Examples of hostile environment harassment are at this [link](#). Determination of whether a hostile environment has been created is fact- specific and will involve considering the following:

- The degree to which the conduct affected an individual's ability to access the

- College's education program or activity.
- The type, frequency, and duration of the conduct.
- The Parties' ages, roles within the College's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct; and
- The location of the conduct and the context in which the conduct occurred.

b. Sexual Assault

Sexual Assault is any actual or attempted physical sexual act directed against another person, without affirmative consent or when an individual is incapable of giving consent. Physical sexual acts include, but are not limited to, vaginal or anal penetration, however slight, with a body part or object, or oral copulation by mouth-to-genital contact. May also include having or attempting to have sexual contact with another individual without consent such as kissing, touching, or making other inappropriate contact with the breasts, genitals, buttocks, mouth, or any other part of the body that is touched in a sexual manner and without permission. This includes rape, sexual battery, fondling, and assault with the specific intention to commit such an act. Sexual assault may involve individuals who are known to one another or have an intimate and/or sexual relationship (relationship violence) or may involve individuals not known to one another. A more detailed definition of these behaviors, as prohibited by state or federal law is included at this [link](#).

c. Relationship Violence (Dating Violence or Domestic Violence)

Relationship Violence may include Domestic Violence or Dating Violence. Relationship violence is any intentionally violent or controlling behavior of one individual by a person who is currently or was previously in a relationship with that individual. Relationship violence may include actual or threatened physical injury, sexual violence, psychological or emotional abuse, and/or progressive social isolation. If the relationship violence is not based on any of those factors, or otherwise falls outside the requirements of this Policy, the College reserves the right to address it through the EO Policy. The nature of the relationship will be determined based on a consideration of the length of the relationship, the activities that occurred during the relationship, and the frequency of the interaction between the parties involved in the relationship. This is not an exhaustive list of considerations to determine the nature of a relationship.

d. Stalking

Stalking is a course of conduct (i.e., more than one instance) involving unwanted attention, harassment, physical or verbal contact directed at an individual that would cause a reasonable person to fear for the person's safety, or the safety of others, or suffer substantial emotional distress. Stalking can occur in person or using technology (cyber-stalking), and the duration, frequency, and intensity of the conduct will be considered. Stalking tactics can include, but are not limited to watching, following, using tracking devices, monitoring online activity, unwanted contact, property invasion or damage, hacking accounts, threats, violence, sabotage, and attacks. Cyber-stalking is a particular form of stalking in which electronic media such as the internet, social networks, blogs, texts or other similar forms of contact are used to pursue, harass, or make unwelcome contact with another person. Stalking and cyber-stalking may involve individuals who are known to one another or have an intimate or sexual relationship or may involve individuals not

known to one another. To the extent that the stalking behavior is based on sex (including discrimination based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity or expression, marital or parental status) and/or a prior sexual or amorous relationship between the parties, it may be addressed under this Policy. The College also reserves the right to address it through any other applicable policy.

e. Sexual Exploitation

Any act committed through non-consensual abuse or exploitation of another person's body or sexuality for the purpose of sexual gratification, personal benefit or advantage, or any other illegitimate purpose. Sexual exploitation may involve individuals who are known to one another, have an intimate or sexual relationship, or may involve individuals not known to one another. Examples include, but are not limited to, observing or recording another individual's nudity or sexual activity or allowing another to observe or record consensual sexual activity without the knowledge and consent of all parties involved, manipulating contraception or prophylaxis without the other party's knowledge, or procuring/stealing an individual's undergarments or similar personal items without consent. In certain circumstances, provided the parties are properly notified, the College also reserves the right to adjudicate Sexual Exploitation under the EO Policy if the College, in its sole discretion, is satisfied that the behavior does not rise to the level of constituting sex-based discrimination or sex-based harassment as defined in this Policy.

f. Inducing Incapacitation

This includes the provision of alcohol or drugs to an individual, with or without that individual's knowledge, for the purpose of causing impairment or intoxication to allow another person to take advantage of that individual's impairment or intoxication. The College also reserves the right to adjudicate Inducing Incapacitation under the EO Policy if the College, in its sole discretion, is satisfied that the behavior does not rise to the level of constituting sex-based discrimination or sex-based harassment as defined in this Policy.

g. Media-Based Misconduct

Photographing or recording someone (via audio, video or otherwise) involved in sexual activity, or in a state of undress, without their knowledge or consent. Even if a person consented to sexual activity, photographing or recording someone without their knowledge and agreement goes beyond the boundaries of that consent. Dissemination of photographs or video/audio of someone involved in sexual activity, or in a state of undress, without their knowledge or consent constitutes a separate and additional act of misconduct. This may differ from Sexual Exploitation based on individual facts and circumstances, including the relationship and activities of the parties. For example, recording and then uploading content of otherwise consensual activity would be prohibited if the individual did not have affirmative consent to share the content. Similarly, consent can be revoked at any time, an individual may revoke consent to share the video with the warning that the College may not be able to stop the spread of such content if it is outside of the College's jurisdiction. The College also reserves the right to adjudicate Media-Based Misconduct under the EO Policy if the College, in its sole discretion, is satisfied that the behavior does not rise to the level of constituting sex-based discrimination or sex-based harassment as defined in this Policy.

h. Aiding or Assisting

The aiding or assisting in the commission of an act(s) of sexual violence or sex discrimination is prohibited. The College also reserves the right to adjudicate Aiding and Assisting under the EO Policy if the College, in its sole discretion, is satisfied that the behavior does not rise to the level of constituting sex-based discrimination or sex-based harassment as defined in this Policy.

3. Retaliation

Retaliation includes acts or attempts to retaliate or seek retribution against a party, a witness, or any individual or group of individuals involved in the making of a complaint or participating in the process set forth in this Policy. This includes, but is not limited to, subjecting a person to an adverse action because they made a complaint under any portion of this Policy, made a report, or responded to, assisted or participated in any manner in an investigation under this Policy. Retaliation may include continued abuse or violence and other forms of harassment. For example, words or actions that are only a minor annoyance or lack of good manners do not constitute retaliation. Retaliation allegations may be consolidated with other forms of prohibited conduct defined in this section if the facts and circumstances significantly overlap. The College retains discretion to adjudicate the allegation separately or under the EO Policy, another College policy or procedure.

4. Other Violation.

Any other violation of the prohibitions set forth in this Policy, including, but not limited to, violation of the prohibition on employee relationships with students, violation of the prohibition of supervisory employee relationships with others, violation of the duty of honesty or cooperation, a failure to make a mandated report by a Responsible Employee or other violation of this Policy, as determined by the Title IX Coordinator. The College retains discretion to adjudicate the allegation separately or under the EO Policy, another College policy or procedure.

B. Additional Important Definitions

1. Consent, Coercion, and Incapacitation

Sexual interactions must be consensual. Consent is the affirmative and willing agreement to engage in a specific form of sexual contact with another person who is capable of giving consent. Consent requires an outward demonstration, through mutually understandable words or actions, indicating an individual has chosen freely to engage in a sexual contact. Silence, passivity, or the absence of resistance does not imply consent. Relying solely on non-verbal communication may result in confusion about whether there is effective consent. It is important not to make assumptions. If confusion or ambiguity arises during a sexual interaction, it is essential that each participant stops and verbally clarifies the other's willingness to continue.

Consent can be withdrawn at any time. When consent is withdrawn, sexual activity must cease. Prior consent does not imply current or future consent; even in the context of an ongoing relationship, consent must be sought and freely given for each instance of sexual contact. An essential element of consent is that it be freely given. Consent cannot be obtained through coercion

or by taking advantage of the incapacitation of another individual.

- **Coercion:** the application of unreasonable pressure to take part in sexual activity or in any of the prohibited conduct listed in this Policy. Unreasonable pressure can be exerted through physical or emotional force, intimidation, misuse of authority, tricks, deception, or outright threats. When someone makes clear they do not want to engage in sexual activity or does not want to go beyond a certain point of sexual interaction, continued unreasonable pressure beyond that point may be considered coercive.
- **Incapacitation:** A person is incapacitated when they are so impaired as to be incapable of requesting or inviting the conduct (and therefore conduct of a sexual nature is deemed unwelcome) provided that the Respondent knew or reasonably should have known of the person's impairment or incapacitation. The person may be impaired or incapacitated as a result of drugs or alcohol or for some other reason, such as sleep or unconsciousness. Some potential indicators of incapacitation are vomiting, slurred speech, disorientation, unsteady gait, loss of memory, extreme departure from typical behavior, significant decline in motor coordination, unfocused vision, lack of participation in the sexual activity, and intermittently appearing to fall asleep.

In evaluating whether consent was given, consideration will be given to the totality of the facts and circumstances including, but not limited to, the extent to which an individual affirmatively uses words or actions indicating a willingness to engage in sexual contact, free from intimidation, fear, incapacitation or coercion; whether a reasonable person in the position of the individual alleged to have committed the conduct would have understood such person's words and acts as an expression of consent; whether the person alleged to have committed the conduct knew or reasonably should have known that the other person was incapacitated or otherwise incapable of providing effective consent; and whether there are any additional circumstances, known or reasonably apparent to the individual alleged to have committed the conduct, demonstrating incapacitation, fear, or lack of consent.

2. Complaint

A complaint is a report that can objectively be understood as a request for the College to investigate and adjudicate alleged discrimination under this Policy. A complaint may be made by the harmed individual or the Title IX Coordinator. Complaints may be made orally, but the College will typically ask the person filing the complaint to state their concerns in writing and/or affirm a written summary of the information received by the Title IX Coordinator or designee.

3. Complainant, Respondent and the "Parties"

A Complainant is a student or employee who alleges they experienced conduct that could violate a form of Prohibited Conduct under this Policy, or an individual who was participating in, or attempting to participate in, the College programs or activities who alleges they experienced conduct that could violate a form of Prohibited Conduct under this Policy. A Respondent is the person(s) alleged to have taken part in conduct that could violate a form of Prohibited Conduct under this Policy, or any other form of conduct consolidated into the process set forth in this Policy.

The Complainant and the Respondent are commonly referred to as the parties.

There may be instances where an individual, who has not experienced but is aware of the occurrence of Prohibited Conduct, may share concerns under this Policy, and that person is referred to as the Reporting Party. In situations in which a Reporting Party submits a claim, the College will determine whether and how the process will proceed based on the individual facts and circumstances of the allegation(s).

XII. How the College Will Address Allegations of Prohibited Conduct Under this Policy

This section describes how the College will respond when it receives information about conduct by an individual or group of individuals that reasonably may constitute sex discrimination in violation of this Policy and determine what, if any, safety measures, supportive measures and/or disciplinary sanctions or remedies are appropriate. The Title IX coordinator will act to promptly and effectively end any sex discrimination in the College's education program or activity, prevent its recurrence, and remedy its effects.

A. Initial Steps

After receiving a report of conduct that could fall under this Policy, the Title IX Coordinator or their designee, in consultation with other College personnel as appropriate, will take several initial steps. These initial steps are not an investigation. Rather, these initial steps will enable the College to assess whether the reported conduct reasonably may constitute a violation of this Policy, the need to take any immediate action to address the safety and health needs of the Complainant or others within and the College community, and to determine the next steps for investigating the reported conduct and the need for any supportive measures. The Parties will be treated equitably by the College during all phases of the process.

These initial steps may include, but are not limited to, the following:

1. Initial Contact and Availability of Reporting Options

The Title IX Coordinator will contact the Complainant to provide information about their options, offer supportive measures, discuss the nature and circumstances of the reported conduct and review relevant documentation that is available. The Title IX Coordinator will notify the Complainant, or the Reporting Party if the Complainant is unknown, of the availability of the grievance procedures and the possibility of the Informal Resolution Process (if appropriate). If otherwise uninvolved in the matter, a Reporting Party will not receive communication regarding how a report was processed and/or adjudicated.

The Title IX Coordinator will also notify the Complainant about the right to report (or decline to report) the matter to the Department of Public Safety and/or to local law enforcement if the conduct is potentially criminal in nature. If a report to law enforcement is made such a report will not change the College's obligation to potentially investigate the matter but it may briefly delay the timing of the investigation if a law enforcement agency requests that the College delay its process for a reasonable amount of time to allow it to gather evidence of criminal conduct).

2. Supportive Measures

At any time in the process, whether or not a formal complaint is filed, the Title IX Coordinator will offer and coordinate for the parties, if applicable, reasonably available and appropriate supportive measures. Supportive measures are non-disciplinary, non-punitive individualized services, offered as appropriate, as reasonably available, and without fee or charge to either the Complainant or the Respondent.

Supportive measures are designed to restore or preserve equal access to the College's educational programs or activities, to protect the safety of the parties or the College's educational environment, and to provide support during the grievance procedures or the Informal Resolution Process. They may be continued after the end of the grievance procedures, or an informal resolution is reached. Supportive measures should not unreasonably burden the other party.

Supportive measures may include but are not limited to: counseling; academic accommodations, such as extensions of deadlines or other course-related adjustments; course changes or drops; modifications of work or class schedules; campus escort services; restrictions on contact applied to one or more of the parties; residential accommodations, including but not limited to arranging for new housing, or providing temporary housing options, as appropriate; changes in work locations; leaves of absence; increased security and monitoring of certain areas of the campus; training and education programs related to sex-based harassment; immigration arrangements, changes to dining or transportation arrangements, and no trespass notices, among others.

The College will not disclose information about supportive measures to persons other than to who they apply unless necessary to provide the supportive measure or to restore or preserve a party's access to the education program or activity. The Title IX Coordinator may consult with the Office of Student Accessibility Services to assess disability-related accommodations. Where the respondent is an employee, the College may place the employee on paid administrative leave, either as a supportive measure, an interim non-punitive administrative leave or as an emergency removal (discussed below).

Either party may challenge the supportive measures applied to them, by requesting that the College modify or reverse its decisions on the supportive measures applicable to them. This request is made to an appropriate and impartial employee, who will review the prior decision on supportive measures to determine whether it is consistent with the supportive measures standard articulated above. Where circumstances change materially, the parties also can request that the supportive measures applicable to them be modified or terminated.

3. Presumption of Non-Responsibility

Individuals who are reported to have engaged in Prohibited Conduct under this Policy are presumed to be not responsible for the alleged sex discrimination and will not be issued any disciplinary sanction unless it is determined, through the processes set forth in this Policy, by a preponderance of the evidence, that they have violated this Policy.

4. Emergency or Interim Removal

The Title IX Coordinator will assess reported conduct to determine whether the circumstances

warrant emergency removal from any of the College's education programs and activities. An emergency removal assessment may be made upon receiving notice, upon a complaint being filed, and/or during the grievance procedures or Informal Resolution Process. If the Title IX Coordinator, after conducting an individualized safety and risk analysis and, in consultation as appropriate with College employees, determines that there is an imminent and serious threat to the health or safety of a Complainant or any other member of the College community arising from, or closely related to the reported conduct at issue, they may remove them on an emergency basis from any of the College's education programs and activities. The threat need not be a physical threat. Any such safety measures taken by the College will not be considered or documented by the College as a disciplinary sanction. The decision to remove an individual will be communicated by the Title IX Coordinator to the affected individual(s) in writing and will be effective immediately. The emergency removal policy will not be construed to modify any rights under Section 504 or the Americans with Disabilities Act. In addition, if the Respondent is an employee, the College may place the employee on paid administrative leave, either as a supportive measure or as an interim non-punitive paid administrative leave as determined in the sole discretion of the AVP of Title IX/EO in consultation with other College employees.

Individuals removed from the College community under this clause will be given the opportunity to challenge the emergency removal. Within five (5) business days⁷, the individual challenging the removal must submit a written document that describes the grounds for the challenge. This document should not exceed ten (10) double-spaced pages (12-point type with one inch margins) without permission from the Title IX Coordinator and it may include outside support for why the removal was unwarranted based on the facts and circumstances involved. Character evidence is not considered in this analysis. If the individual is allowed to return to the College community, the other party will be notified, along with appropriate College staff.

5. Policy Implicated

The Title IX Coordinator will decide whether to proceed with a complaint and/or investigation within ten (10) business days. If the Title IX Coordinator determines the reported conduct could implicate this Policy, they will contact the Complainant to discuss that determination. If the Complainant wishes to proceed, then the Title IX Coordinator will initiate the investigation and/or the option of an Informal Resolution Process (if appropriate). If the Complainant requests that the process not move forward, the Title IX Coordinator will consider whether there are health or safety factors or other factors to address reported alleged sex-based discrimination or harassment or retaliation that necessitate the process still moving forward. If the complaint is moving forward, the Title IX Coordinator will notify the Respondent of the grievance procedures at this point, the option of an Informal Resolution Process (if appropriate), provide additional resources as appropriate, and offer and coordinate appropriate supportive measures.

6. Policy Not Implicated: Referral to Other Process

If the Title IX Coordinator reasonably determines the reported conduct would not implicate this Policy, the Title IX Coordinator will notify the Complainant in writing, dismiss the Title IX report,

⁷ Business days, for the purpose of this Policy, excludes only Saturday, Sunday and traditional and floating holidays as published on the College's holiday calendar available at this [link](#).

and refer the reported conduct to the appropriate administrator for handling consistent with any other appropriate College policy, including, but not limited to, the EO Policy. If new information is subsequently provided, the decision whether or not to investigate the reported conduct may be reevaluated. If the respondent was notified that a report was made, then the Respondent will also be advised in writing. Whether or not a complaint is initiated, the Title IX Coordinator will consider continuing supportive measures for the Complainant as well as taking prompt and effective broader remedial action, such as increased or targeted education or prevention measures, increased monitoring, security, or supervision, conducting surveys and/or revisiting its policies and practices. If utilized, such action is not a form of sanction.

7. Dismissal of Complaints

The College may dismiss a Complaint if, at any time during the Investigation or grievance procedures, one or more of the following grounds are met:

- The College is unable to identify the Respondent after taking reasonable steps to do so.
- The Respondent is not participating in the College's program or activity, or employed by the College.
- The Complainant voluntarily withdraws any or all the allegations in the Complaint in writing, the Title IX Coordinator declines to initiate a Complaint, and the remaining allegations, if proven, would not constitute a Policy violation: or
- The College determines the conduct alleged in the Complaint would not constitute a Policy violation, if proven.

If the complaint is dismissed, the College will promptly provide the Complainant with written notification of the dismissal, the rationale for it, and information about the ability to appeal and appeal grounds. If the dismissal occurs after the Respondent has been notified, then the College will simultaneously notify the Respondent of the same information. Note that the College also retains the right to dismiss a matter at any point if the Complainant refuses to participate in the matter and the College determines there is not a separate justification to continue the matter.

8. Appeals of Dismissals

The Complainant may appeal a dismissal of their Complaint and/or any of their allegations. Dismissal appeal requests must be filed within three (3) business days of the notification of the dismissal. The Title IX Coordinator will notify the parties of any appeal of the dismissal, in cases where the Respondent had been given notice of the allegations. In such cases, the other party will be provided with the appeal documents and the ability to respond within three (3) business days of receipt. All documents will be provided to the Title IX Coordinator who will then forward them to the Appeal Officer.

The grounds for dismissal appeals are limited to:

- Procedural irregularity that would change the outcome.
- New evidence that would change the outcome and that was not reasonably available when the dismissal was made; or

- A conflict of interest or bias toward either party that would change the outcome.

The Dismissal Appeal Officer will decide within ten (10) business days and will provide notification of their decision and rationale to the relevant parties in writing.

B. Informal Resolution Process

1. Initiation of Process

At any time prior to a determination whether sex discrimination occurred, the College may offer an Informal Resolution Process to the parties, unless it would conflict with Federal, State, or local law. A party may also request an alternative resolution of a complaint rather than an investigation by contacting the Title IX Coordinator in writing. All parties and the Title IX Coordinator must voluntarily agree in writing to use the informal resolution process, including the form the process will take, prior to the option being used. Parties will not be required or pressured to participate in the process, nor will they be required to waive the right to a determination or investigation. Participation must be voluntary. The facilitator of any such informal resolution process will not be the Investigator or any person assigned to a decision-making role in the College's grievance procedures.

2. Discretion

The College has discretion to determine if an Informal Resolution Process is appropriate, even if requested by one or both parties. The Title IX Coordinator will assess the request for alternative resolution against the severity of the alleged violation and the potential risks to College community members. If the Title IX Coordinator determines that alternative resolution is appropriate, the Title IX Coordinator will notify the parties.

3. Notice

Before the Informal Resolution Process begins, the parties will be provided with a written notice that includes: the allegations as known by the College at that time; the requirements of the Informal Resolution Process; the fact that participation must be voluntary; that, prior to agreeing to a resolution, any party has the right to withdraw from the Informal Resolution Process and to initiate or resume the grievance procedures; that the parties' agreement to a resolution at the conclusion of the Informal Resolution process will preclude the parties from initiating or resuming the resolution process arising from the same allegations; the potential terms that may be requested or offered in an Informal Resolution agreement to the extent known, including notification that an Informal Resolution agreement is binding only on the parties; and what information the College will maintain, and whether and how it could disclose such information for use in its grievance procedures.

4. Process and Potential Outcome for Informal Resolution

The informal process may take several forms. A facilitator may be assigned to convene a dialogue with the parties to reach a resolution. Other forms of alternative resolution may include a remedies-based resolution approach, restorative justice practices, or any other measures deemed appropriate

by the Title IX Coordinator. The alternative resolution process will be conducted in accordance with procedures specified by the Title IX Coordinator, as determined in their sole discretion and will be disclosed in advance to the parties. In addition, all resolutions must be approved by the Title IX Coordinator in consultation with other appropriate College administrators. A party may withdraw from the informal resolution process at any time.

Potential outcomes include, but are not limited to, restrictions on contact; restrictions on participation in one or more of the College's programs or activities or attendance at specific events, including restrictions the College could have imposed as remedies or disciplinary sanctions had there been a determination that sex discrimination, harassment or other violation occurred. While the parties are seeking resolution that may be appropriate to their individual needs, the College reserves the right to reject an Informal Resolution outcome if in the best interest of the College community.

C. The Investigation Phase⁸

1. Notice of an Investigation

If it is determined in Section XII(A) that the reported conduct implicates this Policy and an investigation is required, the Title IX Coordinator will prepare a written notice to the parties that will provide sufficient information to allow each party to respond to the allegations. This notice will typically be provided in advance of any informal resolution process, though the College retains discretion to consider informal resolution efforts prior to issuing notice if the parties agree. Notice will include:

- A statement that the College will treat the Parties equitably.
- A description of the allegations, the parties, and the date, time, and location of the alleged misconduct, if known.
- The specific forms of prohibited conduct that are alleged to have been violated.
- A statement that the Respondent is presumed not responsible unless and until it is determined otherwise at the conclusion of the process.
- In (a) cases alleging sex-based harassment and (b) discrimination cases not involving sex-based harassment in which both the Complainant(s) and Respondent(s) are either student(s) or current employee(s), a statement that the parties may have an advisor of their choice who may accompany them through all steps of the grievance procedures.
- That the parties, and their advisor(s) (if any), will be given an equal opportunity to inspect, review, and respond to all relevant and not otherwise impermissible evidence.
- Information about the confidentiality of the process and what information may be shared with others.
- A copy of, or link to, the grievance procedures.
- Any supportive measures in place about which the other party must be made aware.

⁸ The College reserves the right to address systemic claims under different appropriate College policies. In such cases, the College will provide specific notice of the Policy and process to be utilized to address the claim of discrimination.

- A statement that prior to a determination the parties will have the opportunity to present relevant and not otherwise impermissible evidence to a trained impartial Investigator.
- The name(s) of the Investigator(s), and instructions to contact the Title IX Coordinator to identify any conflict of interest that the Investigator(s) may have.
- Information about how a party may request disability accommodations during the grievance process.
- A statement that employees who are union members are entitled to applicable Weingarten rights, if applicable; and
- A statement that retaliation is prohibited.

This Notice will be provided to the parties with sufficient time to prepare in advance for any initial interview and does not constitute a finding or a determination of responsibility. If additional allegations are added to the investigation or consolidated with the investigation, the College will provide an updated written notice of such to all known parties. If the College has reasonable concerns, based on an individualized safety and risk analysis, for the safety of any person as a result of providing this notice, it may reasonably delay providing the notice to appropriately address the safety concerns.

2. Right to a Single Advisor and Single Support Person in Cases Alleging Sex-Based Harassment and Other Discrimination Cases Not Involving Sex-Based Harassment in which both the Complainant(s) and Respondent(s) are either Student(s) or Current Employee(s)
 - a. Advisors.

In (i) cases alleging sex-based harassment and (ii) other discrimination cases not involving sex-based harassment in which both the Complainant(s) and Respondent(s) are either student(s) or current employee(s), each party may have a single advisor of their choice (which may be an attorney) present in this process and the advisor may attend appropriate meetings, interviews, and/or disciplinary process held pursuant to this Policy. Once an advisor has been selected by a party, the party must provide the name of the advisor to the Title IX Coordinator. Except to the extent expressly permitted otherwise, the advisor may advise their respective party privately, but cannot act as a speaking advocate at a meeting. Individuals managing the proceeding in question (e.g., investigators, Title IX staff) may delay or terminate meetings, remove or dismiss advisors, and/or proceed with the investigation if an advisor is disruptive, disrespectful or otherwise refuses to comply with the requirements of this Policy. Accommodations, including scheduling of interviews or reviews, generally will not be made for any advisors if they significantly delay the process. The advisor is not permitted to attend a meeting or proceeding without the party they are advising present without the prior approval of the Title IX Coordinator, at their discretion. The College reserves the right to take appropriate action regarding any advisor who disrupts the process, or who does not abide by the restrictions on their participation. A union-represented employee who is a Respondent may choose as an advisor a person who is not a union representative, if the Respondent does not desire to have the union

representative participate in the proceeding. Advisors are not permitted other than in (a) cases alleging sex-based harassment and (b) other discrimination cases not involving sex-based harassment in which both the Complainant(s) and Respondent(s) are either student(s) or current employee(s) unless an exception is made by the Title IX Coordinator in their sole discretion.

b. Support Person.

Each Party in cases alleging (i) sex-based harassment and (ii) other discrimination cases not involving sex-based harassment in which both the Complainant(s) and Respondent(s) are either student(s) or current employee(s) may also have a single support person of such party's choice present during any College grievance proceeding. This support person may only provide emotional support and may not assume the same role(s) as the advisor. While the support person must follow the limitation regarding not disrupting the process, support persons are not entitled to review evidence or any Investigative Report and are not entitled to speak during any proceeding or communicate in any manner on behalf of a Party. The Title IX Coordinator retains sole discretion to limit the support person role if it is being used unfairly by a party or is in violation of any restriction. For example, if a party chooses an attorney as their advisor, the party cannot choose a second attorney to assist the advisor to circumvent the rule for a single advisor. The College reserves the right to take appropriate action regarding any support person who disrupts the process or who does not abide by the rules for participation. Meetings and proceedings will not be scheduled or delayed for support person attendance.

3. Designation of Investigator

The Title IX Coordinator will designate at least one Investigator to conduct a prompt, effective, equitable, and impartial investigation of the reported conduct and prepare a report of investigative findings (the "Investigation Report"). At the College's discretion, the Investigator may be an internal or an external investigator and more than one investigator may be assigned. All Investigators – internal or external – will be selected from a group of qualified and trained individuals employed by the College or engaged by the College for the purpose of conducting an independent investigation under this Policy. The Title IX Coordinator will provide the parties with the name of the person(s) assigned to investigate the reported conduct. As soon as possible, but no later than three (3) business days after delivery of the identity of the Investigator(s), the parties must inform the Title IX Coordinator in writing of any conflicts of interest and/or alleged bias regarding the selected Investigator(s). The Title IX Coordinator will consider the nature of the conflict and/or alleged bias and determine if different individuals should be assigned as Investigator(s). The Title IX Coordinator's decision regarding any conflicts and/or bias is final. The Title IX Coordinator may consult with other College personnel to discuss any conflicts of interest.

4. Nature of the Investigation

The Investigator(s) will provide the parties with written notice of all meetings or proceedings at which their presence is invited or expected, and such notice will include the date, time, location, participants, and purpose with sufficient time for the Party to prepare to participate.

The Investigator(s) will consider relevant and not otherwise impermissible evidence and questioning. The decisions on relevance and permissibility will be made by the Investigator(s), but the parties will have the opportunity at the close of the investigation to review the Investigation Report and note if a relevant witness or relevant information was not considered. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred or did not occur.

The following evidence, and questions seeking that evidence, are considered impermissible (*i.e.*, must not be accessed or considered, except by the College to determine whether an exception to impermissibility applies), regardless of relevance:

- Evidence that is protected under a privilege as recognized by Federal or State law or evidence provided to a Confidential Employee in that capacity, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality in writing.
- Party or witness' records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the College obtains that party or witness' voluntary, written consent for use in the College's grievance procedures.
- Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the Complainant and Respondent, by itself, does not demonstrate or imply the Complainant's consent to the alleged sex discrimination at issue or mean that there cannot be a determination that sex discrimination occurred.

5. The Parties' Identification of Potential Witnesses and Documentation

The parties have the equal opportunity (and are expected) to provide the Investigator(s) with the timely identification of potential witnesses who have relevant and specific information about the reported conduct and with whom they would like the Investigator(s) to speak. The parties also have the opportunity (and are expected) to provide the Investigator(s) in a timely manner any evidence, documentation or other items or questions they would like to be considered or posed to any witness or the other party. All information and questions described in this section must be presented to the Investigator(s) in writing and include a brief description as to how the persons, documents, and/or items are relevant to the reported conduct. This information must be provided to the Investigator(s) during the investigation phase and without delay upon becoming aware of it. The Investigator(s) will exercise discretion in their determination of whether such information is relevant and not otherwise impermissible.

6. Interviews and Questioning

The investigation will include separate interviews with the parties and any available witnesses whom the Investigator(s) believe will provide relevant and permissible information. If a party or witness fails to respond to communications by the Office of Title IX & Equal Opportunity within a reasonable time frame, the College may proceed with the investigation in their absence with notice to such individual. The Investigator(s) will conduct follow-up interviews as needed as determined by the Investigator(s). In (a) cases alleging sex-based harassment and (b) other discrimination cases not involving sex-based harassment in which both the Complainant(s) and Respondent(s) are either student(s) or current employee(s), (i) the Investigator(s) will provide each party with a transcript or the ability to access a recording, as determined by the Investigator(s) of every interview or meeting with enough time for each party to propose follow-up questions; (ii) the parties will provide proposed follow-up questions to the Investigator(s) in writing within three (3) business days; (iii) the Investigator(s) will ask the follow-up questions deemed relevant, not otherwise impermissible, clear and not harassing during individual meeting(s) with the appropriate individual(s); (iv) where the question is unclear and/or harassing, the Investigator will give the party an opportunity to clarify or revise it and (v) the Investigator(s) will document in the Investigation Report which proposed questions were asked, along with a rationale for not asking certain question(s). The rationale may include considerations of whether the question may elicit impermissible information, whether it is redundant, and/or whether it is not relevant. Neither party nor the party's advisor, if any, will be permitted to question or cross-examine any other party or witness.

7. Content of the Investigation Report

At the conclusion of the Investigation Phase, the Investigator(s) will prepare a Draft Investigation Report, which should include a description of the allegations and the implicated Policy provisions; a summary of the factual information presented during the Investigation Phase and a separate section where the Investigator(s) point out relevant consistencies or inconsistencies (if any) between different sources of information. The Investigator(s) may, but are not required, to share their perspective of party or witness demeanor and of the reliability of the evidence if they believe it is relevant to the adjudication decision to be made by the Determination Panel or Determination Officer. The Investigation Report will not include a determination by the Investigator(s) as to whether a party has violated this Policy or what sanctions may be appropriate. These determinations will be made by the Determination Panel, Determination Officer and the Sanctioning Officer, as applicable, subsequently as described below. The draft format of this Investigation Report is important, and it reflects that the Investigator(s) may supplement or conduct additional investigation based on the parties' responses. The Determination Panel or Determination Officer, as applicable, will not review a Draft Investigation Report until it is finalized. This Policy shall be provided as an exhibit to the Investigation Report, which includes information regarding the submission and consideration of evidence during a grievance proceeding.

8. Review by the Parties

The parties will have an opportunity to review the Draft Investigation Report and all relevant

evidence collected by the Investigator(s) and may submit written comments about the content of the Investigation Report to the Investigator(s) within five (5) business days of the date they are notified that the Investigation Report is available for review. This review will take place at a secure location and in a secure manner determined by the College. The time to submit written comments can be extended for a brief period if the Title IX Coordinator concludes, in their sole discretion, that the additional time is warranted. Likewise, the secure location and manner of reviewing the Investigation Report can be modified if the Title IX Coordinator deems it necessary and appropriate. The College will consider disability-related extensions to this process in a similar manner to how it considers any other disability-related accommodation. If a disability-related accommodation is provided to one party, the Title IX Coordinator will determine how to maintain fairness in the process in accord with both Title IX and relevant disability laws.

Each party may have their permitted advisor review the Investigation Report with them. Neither party (nor their advisors, including but not limited to family members and/or legal counsel) may copy, remove, photograph, print, image, record, or in any manner or media duplicate or remove the information provided. Any individual that fails to abide by this provision may be subject to discipline and/or may be excluded from further participation in the process.

The comments submitted by the parties may not exceed ten (10) double-spaced pages (12-point font and one-inch margins) unless a higher page limit is otherwise determined to be necessary and appropriate in the sole discretion of the Title IX Coordinator. After reviewing the submissions, if any, from the parties, the Investigator(s) may determine that either additional investigation or questioning is required or no further investigation or questioning is needed. If further investigation or questioning is conducted, the Investigator(s) will include any additional relevant and not impermissible information in the Investigation Report. The Investigation Report will then be submitted to the Title IX Coordinator. Any submissions made by either party pursuant to this section, as well as any other documentation deemed relevant by the Investigator(s), will be attached to the Investigation Report.

9. Voluntary Agreement to Policy Violation

At any point prior to the convening of a Determination Panel or the appointment of a Determination Officer, a Respondent may agree in writing to the alleged violation(s) of this Policy. The Title IX Coordinator maintains discretion to accept this agreement if it is in the best interest of the College community. If accepted, the matter will be referred for a sanction proposed by the Associate Vice President for Student Development/Dean of Students (students), Provost/Dean of the College (faculty) or the Vice President of Human Resources (staff or third party), as applicable. The College may also determine appropriate remedies will be afforded to the Complainant.

D. Adjudication by Determination Panel or Determination Officer.

1. Convening the Determination Panel or Appointment of a Determination Officer

The Title IX Coordinator will convene a three-member Determination Panel (the “Determination Panel”) from an established pool of individuals who receive training to decide (a) cases alleging sex-based harassment and (b) other discrimination cases not involving sex-based harassment in

which both the Complainant(s) and Respondent(s) are either student(s) or current employee(s), pursuant to this Policy. The Title IX Coordinator will appoint an individual as a Determination Officer who receives training to determine any other cases who may be an Investigator in the matter or an employee in the Office of Title IX and Equal Opportunity. In no instance shall the Panel or Determination Officer include students. If a Respondent is a teaching faculty member⁹, at least one of the members of any Determination Panel, if applicable, shall be a tenured faculty member. The Title IX Coordinator will provide the parties with the names of the persons assigned as the Determination Panel members or Determination Officer, as applicable, for their case. As soon as possible, but no later than three (3) business days after delivery of the identity of the assigned Determination Panel members or Determination Official, the parties should inform the Title IX Coordinator (in writing) of any conflicts of interest or concerns about bias regarding the selected members proposed to the Determination Panel or Determination Official. If a conflict of interest or allegation of bias is raised regarding any of the individuals so assigned, the Title IX Coordinator will consider the nature of the conflict and the allegation about bias and determine if different individuals should be assigned to the Determination Panel or as the Determination Official. The Title IX Coordinator may consult with other College personnel (and shall consult with the chair of the Committee on Faculty Affairs in the case of any conflict of interest with respect to a proposed Determination Panel member or Determination Official who is a teaching faculty member) to assess any conflicts of interest. The Title IX Coordinator's decision regarding any conflicts and/or bias is final. The Title IX Coordinator will then submit the Investigation Report to the Determination Panel members or Determination Official, as applicable, and set a subsequent date for the Determination Panel or the Determination Official to determine responsibility.

2. Role and Authority of the Determination Panel or Determination Officer

The Determination Panel or Determination Officer, as applicable, will review the Investigation Report and decide whether the Respondent is responsible for violating this Policy by having engaged in some or all the reported conduct. The Determination Panel or Determination Officer has the authority to accept the Investigation Report without seeking additional investigation or questioning, or to ask the Investigator(s) to conduct additional investigation or questioning on specific points. The Determination Panel or Determination Official, in their discretion, may invite the Investigator(s) to attend a meeting if such panel or officer, as applicable, believes it would be helpful to have an opportunity to ask the Investigator(s) any questions arising from the Investigation Report.

In (a) cases alleging sex-based harassment and (b) other discrimination cases not involving sex-based harassment in which both the Complainant(s) and Respondent(s) are either student(s) or current employee(s), the Determination Panel must review the list of follow-up questions provided by the parties to the Investigator(s) and decide whether it disagrees with any decision to exclude any question(s) as not relevant, impermissible, unclear and/or harassing. Should the Determination Panel decide it disagrees with the Investigator's decision(s), it will direct the Investigator(s) to ask such follow-up question(s) of the applicable individual(s) and provide a supplement to the Investigation Report that will be shared with the parties. In (a) cases alleging sex-based harassment

⁹ For purposes of this Policy, the "teaching faculty" is defined by reference to Chapter I, Section A of the Faculty Statutes.

and (b) other discrimination cases not involving sex-based harassment in which both the Complainant(s) and Respondent(s) are either student(s) or current employee(s), the Determination Panel may also consider whether some information allowed by the Investigator(s) is not relevant, impermissible, unclear and/or harassing and not consider that information. The Determination Panel or Determination Official, as applicable, may choose to place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible. The Panel must not draw an inference about whether sex-based harassment occurred based solely on a party or witness' refusal to respond to such questions.

The Determination Panel or Determination Official, as applicable, also has the authority, in their discretion, to question any persons identified in the Investigation Report to assess their credibility to the extent that their credibility is in dispute and relevant to one or more of the allegations. Where any such meetings occur in (a) cases alleging sex-based harassment and (b) other discrimination cases not involving sex-based harassment in which both the Complainant(s) and Respondent(s) are either student(s) or current employee(s), they will be recorded and the parties will be provided with an audio recording or transcript of the meeting. In investigations involving other allegations, the parties will be provided with a reasonable opportunity to access an accurate description of relevant and not otherwise impermissible evidence and/or access to this evidence. In connection with allegations of (a) cases alleging sex-based harassment and (b) other discrimination cases not involving sex-based harassment in which both the Complainant(s) and Respondent(s) are either student(s) or current employee(s), the parties will be given three (3) business days from the date they are provided the recording to propose follow-up questions in writing for the individual who was interviewed provided that such questions are limited to the scope of the additional questioning. The Panel will ask the follow-up questions that it deems relevant, not otherwise impermissible, clear and not harassing during individual meeting(s) with the appropriate individual(s). In (a) cases alleging sex-based harassment and (b) other discrimination cases not involving sex-based harassment in which both the Complainant(s) and Respondent(s) are either student(s) or current employee(s), the Panel will document in its determination which proposed questions were asked, with a rationale for any changes or omissions, and for any question(s) excluded will provide a rationale for not asking the question(s).

The Determination Panel or Determination Officer, as applicable, as the ultimate decision-maker in the matter, is provided broad discretion. In appropriate circumstances, the Title IX Coordinator may give special instructions to the Determination Panel or Determination Officer. The Determination Panel is encouraged to seek unanimity in result, though it may make determinations based on a two-thirds majority.

3. Determination Panel or Determination Officer Decision

Upon reaching a determination of responsibility, the Determination Panel or Determination Officer, as applicable, will provide a written notification of its determination to the Title IX Coordinator. This written determination will include the following:

- A description of the alleged sex discrimination.
- The determination on each allegation of sex discrimination using the preponderance of the evidence standard.

- The evaluation by the Determination Panel or Determination Officer of the relevant and not otherwise impermissible evidence and determination whether sex-discrimination occurred.

If the Determination Panel or Determination Officer found that sex-based discrimination or other violation occurred, the parties will be informed that the matter is referred to an individual(s) that will assign sanctions (the “Sanctioning Official”). If requested by the Title IX Coordinator, the Determination Panel or Determination Officer may provide recommendations for disciplinary sanctions, if any; any potential remedies to be provided to the Complainant; and, to the extent appropriate, remedies to be provided to other students identified by the College as experiencing the effects of the sex-based discrimination, which recommendations shall be non-binding.

4. Preponderance of the Evidence

All findings and determinations of responsibility for a violation of this Policy will be made using a preponderance of the evidence standard. This standard requires the determination of whether it is more likely than not that a fact exists or a violation of this Policy occurred. Please note that the preponderance of the evidence standard is not the standard used for criminal culpability and a determination of responsibility under this Policy does not equate with a finding of a violation of criminal laws. Conversely, lack of a prosecution or conviction in a criminal proceeding does not necessarily imply that this Policy was not violated. The two procedures are significantly different and utilize different standards for determining violations.

5. Consolidation

The College reserves the right to consolidate cases in which there are one or more Complainants and/or one or more Respondents, as defined under this Policy. The College will consolidate cases where the allegations arise out of the same facts or circumstances or implicate a pattern. For example, if during a single College-sponsored event a Respondent is alleged to have committed Prohibited Conduct against more than one Complainant, the College may consolidate those complaints for investigation and adjudication under this Policy. If a case is consolidated, the College will consider individualized supportive measures, as appropriate, and will provide individual notice to each party. All parties are entitled to the process in accordance with this Policy and the College reserves the right to issue a single Investigation Report, and otherwise modify the Policy to ensure all parties are afforded equal protections in compliance with federal and state law. The College may also consider prior relevant findings of responsibility and/or the totality of the findings of responsibility in considering an appropriate sanction and after the Respondent is separately found responsible for each allegation.

E. Determining Sanctions

1. Sanctioning Decision

No later than three (3) business days after delivery of the notification of decision of the Determination Panel or Determination Officer and information about who the Sanctioning Official will be, the parties should inform the Title IX Coordinator (in writing) of any conflicts of interest

or bias regarding the Sanctioning Official. The Title IX Coordinator, in consultation with other College officials as appropriate, will determine whether a disqualifying conflict of interest and/or bias exists, in which case the Title IX Coordinator will appoint a different Sanctioning Official. The Title IX Coordinator's decision regarding any conflicts is final. Once it is determined that there is not a conflict, the Title IX Coordinator will provide the Sanctioning Official with a copy of the written notification of determination of responsibility of the Determination Panel or Determination Official as well as the Investigation Report, the parties' responses to that Report (if any), and information provided by Human Resources, Community Standards or other appropriate department concerning any prior College discipline of the Respondent. Following determination of sanction(s), the Sanctioning Official shall notify the Title IX Coordinator of the sanction(s).

Sanctioning Officials will be assigned as follows and based on the role of the Respondent:

- Students: Sanctions regarding students will be determined by the Associate Dean of Students or their designee, who may do so in consultation with other College officials.
- Teaching Faculty: Sanctions regarding teaching faculty will be determined by the Provost/Dean of the College (or their designee) in consultation with other College officials as appropriate. If the Sanctioning Official determines that a sanction of dismissal of a teaching faculty member is recommended, the sanction will be reviewed under the process set forth in Section XII.G.5.
- Exempt Employees, Other Than Teaching Faculty: Sanctions regarding exempt employees, as defined by the College, will be determined by the Employee's Senior Vice President or Vice President (or their designee) or in the case of an employee in the Athletics Department or who reports to the President, the President's designee. The Vice President of Human Resources (or their designee) will be consulted, and any other College officials may be consulted, on any sanction, as appropriate. In case of a finding with respect to the President, the Executive Committee of the Board will determine the appropriate sanction.
- Non-Exempt Employees and Third Parties: Sanctions regarding non-exempt employees, as defined by the College, including vendors, independent contractors and other third parties will be determined by the Vice President of Human Resources (or their designee), who may consult with other College officials, as appropriate.

2. Types of Sanctions

The following are a non-exhaustive list of sanctions that may be considered in individualized situations and a full list of sanctions with respect to findings of dating violence, domestic violence, sexual assault and stalking. Note that sanctions may be combined and tailored to the behavior for which the Respondent was found responsible:

- Employees, including Faculty Members: Sanctions for Respondents who are faculty members or other employees may include, but are not limited to, one or more of the following: dismissal from employment, non-renewal of an employment contract, suspension (without pay), probation, reprimand, warning, restitution, training and/or

counseling, no-contact order, removal from an administrative appointment, removal of one or more job responsibilities with a corresponding salary reduction, removal from a committee, removal from a leadership position, reassignment of advisees, prohibition against new advisees, limitation or loss of rights or privileges, loss of awards and/or honors, and/or community service, among others.

- Students: Sanctions may include, but are not limited to, one or more of the following: expulsion, suspension, probation, reprimand, warning, restitution, education or counseling, no-contact order, restriction from extracurricular programs or activities, loss of leadership opportunity or positions in activities, housing restriction/relocation, and/or loss or restriction from College employment, limitation or loss of rights or privileges, loss of awards and/or honors, and/or community service.
- Third Parties: Sanctions regarding vendors, independent contractors and other third parties may include, but are not limited to, dismissal, non-renewal, suspension (without pay), probation, reprimand, warning, restitution, training and/or counseling, no-contact order, removal from campus, appointment or position, removal of one or more responsibilities with a corresponding compensation reduction, limitation or loss of rights or privileges, among others.

3. Considerations

In determining an appropriate sanction, the Sanctioning Official may consider the nature and degree of the conduct in and the steps necessary to end the sex discrimination or other violation, prevent it from recurring, and remedy its effects. The Sanctioning Official may also consider any other factors that may lead to a fair and appropriate outcome under the circumstances. Such factors may include, but are not limited to:

- The nature and circumstances of the misconduct, including whether it involved violence, the threat of violence, or coercion; how severe and pervasive it was; whether it occurred once, more than once, or repeatedly; and whether or to what extent the party found responsible intended or reasonably should have expected that the conduct would harm the Complainant or others.
- The impact of the misconduct on the Complainant, including whether or to what extent the misconduct has interfered or may interfere with the Complainant's education, employment, or other opportunities at the College, and whether or to what extent the misconduct has resulted or may result in physical, emotional, or other harm. The Sanctioning Official may request an impact statement from the Complainant.
- The impact of the misconduct on the College community, including whether or to what extent the misconduct has interfered or may interfere with an educational, employment, or other aspect of the College environment.
- The disciplinary history of the party deemed responsible.
- The range of sanctions imposed in cases involving similar or analogous circumstances.

- Any other mitigating or aggravating circumstances, such as whether the party found responsible has a history of other misconduct and/or discipline at the College and whether the party found responsible accepted responsibility and/or remorse for their conduct and its effects. For example, misconduct of an employee with any type of past or present supervisory responsibility for the Complainant shall be considered a significant aggravating factor. The Sanctioning Official may request a written statement from the Respondent regarding other mitigating factors.
- The Sanctioning Official may consider disability-related issues if raised by the party with the disability, if the party with the disability expressly authorizes the disability to be considered and potentially disclosed in this process, and if the disability is directly related to the conduct at issue. Note that disability is not an excuse or defense to the behavior. Rather, after adjudication, disability may be considered as a mitigating or aggravating factor to the extent discussed in this section.
- If the Sanctioning Official allows an impact statement from the Complainant, they will allow a statement of mitigating factors from the Respondent. Similarly, if the Sanctioning Official allows a statement of mitigating factors from the Respondent, they will allow an impact statement from the Complainant. If either statement is requested, neither shall exceed five (5) pages (12-point font with one inch margins).

4. Additional Remedies

The Sanctioning Official may also identify additional remedies to address the effects of the conduct on the impacted party. Remedies may include extending or making permanent any interim supportive measures; class and registration adjustments (including retroactive withdrawals); permanent changes to housing, employment or dining; and referrals to counseling or health services. If a Complainant or Respondent declined or did not take advantage of a specific service or resource previously offered, the College may re-offer the service as applicable or necessary. The Title IX Coordinator also may consider broader remedial action for the College community, such as increased supervision or monitoring, targeted or increased education and prevention efforts, and review of policies and procedures.

F. Notification of Outcome

Within seven (7) business days (which period may be extended for good cause and such extension communicated to the parties) of the completion of adjudication and sanction, if applicable, the Title IX Coordinator will notify the parties simultaneously and in writing of the result of the grievance proceeding. The notification to the parties of the determination shall include at minimum:

- A description of the alleged sex discrimination or other violation by the Determination Panel or Determination Official.

- The policies and procedures that were used to evaluate the allegations by the Determination Panel.
- In (a) cases alleging sex-based harassment and (b) other discrimination cases not involving sex-based harassment in which both the Complainant(s) and Respondent(s) are either student(s) or current employee(s), the Determination Panel's evaluation of the relevant and not otherwise impermissible evidence, including any critical consistencies or inconsistencies.
- The conclusion of the Determination Panel or Determination Officer on each charge alleged and the rationale for reaching that conclusion by a preponderance of the evidence. This may include how evidence or witness statements were weighed, specific documentary evidence that contributed to the finding, or other rationales for the conclusion. Note that it is not expected that the Determination Panel or Determination Officer will respond to every claim or every argument made by each party; rather, it is required to provide a finding on each policy violation alleged in the notice letter and investigated. The outcome may be in summary fashion, but with sufficient detail so the parties can understand the finding.
- If the Determination Panel or Determination Officer found that sex-based discrimination or other violation occurred, the Sanctioning Official's decision(s) regarding any disciplinary sanctions, any remedies to be provided to the Complainant and, to the extent appropriate, any remedies to be provided to other students identified by the College as experiencing the effects of the sex-based discrimination shall be attached to the outcome of the Determination Panel or Determination Officer. The Sanctioning Official will succinctly describe why the sanctions were chosen.
- The College procedures for the Complainant and Respondent to appeal.

The Title IX Coordinator will coordinate this communication to the parties and the implementation of any sanctions and remedies. No sanctions or discipline will be imposed on a Respondent unless there is a determination that the Respondent engaged in prohibited sex discrimination or other violation. The determination regarding responsibility becomes final either on the date that appeals are no longer timely, and no appeal was made, or on the date that the College provides the parties with the written determination of the result of any appeal.

The Title IX Coordinator will also inform other College officials with a legitimate educational or employment interest about the outcome of the grievance proceeding. As a general matter, those other College officials will include, but are not limited to, the following:

- If a student has been found responsible – the student's class dean and other appropriate College officials.
- If a faculty member has been found responsible, the individual's department chair, the director of any appropriate academic program and, if applicable, one or more class deans.

- If an exempt employee other than faculty member has been found responsible, the individual's direct supervisor.
- If a non-exempt employee has been found responsible – the individual's direct supervisor.
- Notice to these other individuals will be accompanied by a statement that the information may not be further disclosed to anyone else without specific approval of the Title IX Coordinator, except as necessary to protect the safety of one or more individuals. The College reserves the right to make exceptions and provide appropriate notification in circumstances that may impact (or have impacted) the health or safety of the College community. In making such statements, the College will also consider federal and state privacy laws.
- If the alleged victim is deceased because of a crime involving sexual assault, other nonconsensual sexual contact, stalking, domestic/dating violence or hate crime, the next of kin of such alleged victim will be provided the notice of outcome upon written request to the Title IX Coordinator.

G. Appeals

The following appeal process applies to all appeals other than those filed when the Respondent is a Teaching Faculty member that received a sanction of dismissal. Those situations are addressed under Section XII.G.5.

1. Submission of Appeal and Grounds for Appeal

Within seven (7) business days of the delivery of the notice of the outcome, either party may appeal the decision by submitting to the Title IX Coordinator a letter describing the basis of their appeal and the specific facts that support their appeal. Appeals may be filed on the following grounds:

- Procedural Irregularity by the Investigator(s), Determination Panel or Determination Officer, as applicable, Sanctioning Official, or the Title IX Coordinator that would change the outcome. An appeal on this basis must set forth the section of the process that was not followed and an explanation of how the irregularity changed the outcome.
- Newly discovered evidence that was not reasonably available to the party requesting review, not available to the Investigator(s), the Determination Panel or Determination Officer, as applicable, or the Sanctioning Official when the determination was made, and which would change the outcome. An appeal on this basis must provide the new evidence, explain how it was discovered and why it was not previously available, and explain how it would change the outcome.
- Bias or a conflict of interest regarding the Title IX Coordinator, Investigator(s), Determination Panel or Determination Officer, as applicable, or Sanctioning Official that would change the outcome. An appeal on this basis must describe the individual(s)

that presented the bias or conflict, must describe in sufficient detail the action(s) taken, and must describe how that impacted the outcome. The party filing the appeal must note if they did not raise a conflict of interest sooner and explain why. Note that general traits, without more, will not be sufficient. For example, bias or conflict of interest cannot be based solely on an individual's actual or perceived race/ethnicity, gender, identity, or sexual orientation. It shall not constitute bias solely on the basis of an Investigator or employee in the Title IX and Equal Opportunity Officer acting in the capacity as a Determination Official.

The appeal and appeal materials submitted by a party may not exceed ten (10) double-spaced pages (12-point font with one-inch margins) unless a higher page limit is otherwise determined to be necessary and appropriate in the sole discretion of the Title IX Coordinator. Appeals may not be drafted by advisors, support persons, or anyone other than the party at issue. If the College suspects that an appeal was drafted by an individual other than the party, it reserves the right to return the appeal and allow a new draft to be submitted. If the second submission is also rejected because drafted by someone other than the party, the College may reject the appeal and refuse to entertain further appeals. The College will notify the parties and provide a sufficient basis for their decision if this occurs.

2. Opportunity of the Other Party to Review the Appeal

An appeal submitted by one party will be shared by the Title IX Coordinator with the other party. This review will take place at a secure location and in a secure manner determined by the College. The other party that did not file the appeal may submit a response and/or materials that they wish to have considered in the appeal process within seven (7) business days of receipt of the appeal but is not required to do so. A party's decision not to respond to an appeal shall not be considered evidence of agreement with the filed appeal.

3. Appointment of Appellate Officers and Conflicts of Interest

The Title IX Coordinator will appoint one or more Appellate Officers (the "Appellate Officer(s)") from a previously established pool of College employees or external entities contracted by the College who have received training on sex discrimination cases and appeals. In any case involving a teaching faculty member, there will be a three-member Appellate Officer panel, including at least one tenured faculty member (selected by the Title IX Coordinator in consultation with the chair of the Committee on Faculty Affairs). The Title IX Coordinator will provide the parties with the names of the assigned Appellate Officer(s) for their case. As soon as possible, but no later than three (3) business days after delivery of the identity of the assigned Appellate Officer(s), the parties must inform the Title IX Coordinator in writing of any conflicts of interest or bias regarding the assigned Appellate Officer(s). The Title IX Coordinator will consider the nature of the conflict or bias and determine if different individual(s) should be assigned as the Appellate Officer(s). The Title IX Coordinator may consult with other College personnel to discuss any conflicts of interest or bias. The Title IX Coordinator's decision regarding any conflicts or bias is final.

4. Determination of Appellate Officer(s)

The Appellate Officer(s) will decide the merits of the appeal and, in so doing, may consult with the Investigator(s), the Determination Panel or Determination Officer, the Sanctioning Official, or any other individual that the Appellate Officer(s) deems appropriate (and shall consult with any such individual who is alleged to have caused a procedural error). Sanctions of all types can be imposed, in full or in part, at the sole discretion of the College while an appeal is pending.

The Appellate Officer(s) may deny the appeal and affirm all or part of the determination of responsibility or the determination of sanction, or the Appellate Officer(s) may refer the matter back to the Investigator(s), original or a new Determination Panel or Determination Officer¹⁰, and/or the Sanctioning Official for further consideration. If the matter is referred back to the Investigator(s), the Determination Panel or Determination Officer, and/or the Sanctioning Official for further consideration, the Appellate Officer(s) will provide specific instructions with the referral. In the event of a referral for further proceedings, the Title IX Coordinator will be included to ensure the Policy is applied. If the Title IX Coordinator is found to have been the individual creating the issue in the appeal, a Deputy Title IX Coordinator or some other appropriate individual may be selected to serve as the Title IX Coordinator.

The decision of the Appellate Officer(s) regarding the appeal is final. The Title IX Coordinator will inform the parties simultaneously and provide the Appellate Officer(s) written justification.

5. Teaching Faculty Respondents Sanctioned with Dismissal

The following appeal process applies to appeals involving a determination in which a Respondent is a Teaching Faculty Member with a recommended sanction of dismissal and is the sole method of appeal. The appeal will follow this Section with the following difference:

Grounds for Appeal

Teaching Faculty must follow all rules regarding the timing and form of the appeal, as well as the potential basis for the appeal as set forth in Section XII.G.1. The Teaching Faculty also have an additional ground for appeal:

- Sanction of Dismissal Inappropriate. That the sanction of dismissal was inappropriate based on a consideration of the nature and circumstances of the misconduct, including the severity, frequency and duration, the impact of the misconduct on the Complainant and/or the College community, the disciplinary history of the Respondent found responsible, and any other mitigating or aggravating circumstances and the need to take effective corrective action to prevent the recurrence of the violation(s) and remedy its effects.

Opportunity of the Other Party to Review the Appeal

Even though it is stated above, this reaffirms that the Title IX Coordinator will provide a copy of the Teaching Faculty Respondent's appeal to the Complainant. The Complainant may submit

¹⁰ In the case of a finding of an appeal granted for a procedural error by the Determination Panel or Determination Officer, a new Determination Panel or Determination Officer will be used.

materials that they wish to have considered in the appeal process within seven (7) business days of receipt of the appeal.

Appointment of Appeal Panel

In the instance a Teaching Faculty Respondent appeals, the Chair of the Committee on Faculty Affairs in consultation with the Title IX Coordinator will convene a three-member Appeal Panel (the “Appeal Panel”) consisting of tenured members of the Committee on Faculty Affairs (or other tenured faculty members from a previously established pool in the event there are not enough members of the Committee on Faculty Affairs to so serve) who have received training on sex discrimination cases and appeals. The Title IX Coordinator will provide the parties with the names of the persons assigned to the Appeal Panel for their case. As soon as possible, but no later than three (3) business days after delivery of the identity of the assigned Appeal Panel members, the parties must inform the Title IX Coordinator (in writing) of any conflicts of interest regarding the individuals proposed to be assigned to the Appeal Panel. The Title IX Coordinator will consider the nature of the conflict and determine if different individuals should be assigned to the Appeal Panel. The Title IX Coordinator shall consult with the chair of the Committee on Faculty Affairs to assess any conflicts of interest. The Title IX Coordinator’s decision regarding any conflicts is final.

Final Review

Any Appeal Panel decision that involves procedural error or newly discovered information is final. Any Appeal Panel decision regarding bias, conflict of interest, or a sanction of dismissal will be referred to the President and Executive Committee of the Board of Trustees for review, as described below.

- If the Sanctioning Official recommended dismissal and no appeal was requested or the Appeal Panel affirms this decision, the President will refer the sanction recommendation(s) to the Executive Committee of the Board for final review and consideration.
- If the Sanctioning Official recommended dismissal and the Appeal Panel reverse the adjudication, The Title Coordinator will facilitate any further process required.
- If the Sanctioning Official recommended a sanction of dismissal and the Appeal Panel recommended a sanction less than dismissal, the President will determine whether to accept the Appeal Panel sanction recommendation (which shall then become the final sanction), impose a different sanction that is less than dismissal (which shall then become the final sanction) or recommend a sanction of dismissal for review and consideration by the Executive Committee of the Board.

If the President refers a recommended sanction of dismissal to the Executive Committee of the Board, the referral will be communicated in writing by the President or the Title IX Coordinator. The parties will also be notified. The President or the Title IX Coordinator will provide the Executive Committee with the Investigation Report with all attachments, the Notification of Outcome with any attachments (including the Determination Panel or Determination Officer, as applicable, decision and the Sanctioning Official decision), all written appeal materials submitted

to the Appeal Panel, and the Appeal Panel's written decision. The Executive Committee may grant both the Respondent and the Complainant the right to address the Executive Committee if the Executive Committee deems it appropriate in its sole discretion. The Executive Committee of the Board of Trustees will make the final determination of the sanction. The Title IX Coordinator will inform the parties simultaneously and in writing of the outcome of the appeal.

The President and the Executive Committee of the Board of Trustees shall receive training on this Policy prior to reviewing any matter under this Section.

H. Additional Matters

1. Delegation

Where the Title IX Coordinator is listed as the designated point of contact for any role in this Policy, they may designate another qualified member of the College community to assume the role at issue, as necessary and appropriate. Where another College official or employee is listed as the designated point of contact for any role in this Policy, the Title IX Coordinator may designate another College official, employee, or external individual contracted by the College to assume the role at issue, as necessary and appropriate.

2. Timeframe for Completion of Investigation and Grievance Process

The College cannot promise the definitive timeframe of this process but will endeavor to complete its investigation and grievance process in a prompt, effective, equitable and impartial manner. The length of investigations may vary with the complexity and unique factors in each case. Examples of such factors include, without limitation, circumstances in which critical witnesses are unavailable; if a party is hospitalized for any medical or psychological emergencies (at which point treatment providers may be asked for a diagnostic justification); if law enforcement requests the College temporarily halt its investigation for a brief period; or if the parties seek and receive extensions for good faith reasons. Accordingly, all timeframes set forth in this Policy may be altered by the Title IX Coordinator for good cause. The College's overarching goal is that all complaints be investigated in a prompt, effective, equitable, and impartial manner. The parties will receive written updates of any such extensions that includes the reason for the delay and the new estimated timeframes.

3. Duty of Honesty

All parties and witnesses are obligated to be honest during the process set forth in this Policy. Any person who knowingly makes a false statement – either explicitly or by omission – in connection with any part of the process may be subject to separate and/or additional College disciplinary action under the EO Policy or other process. Similarly, individuals may be subject to separate disciplinary action for encouraging or pressuring other individuals to be dishonest or refuse to take part.

A report made in good faith is not considered false merely because the evidence does not ultimately support the allegation of violation of the Policy. A Complainant, Reporting Party or a witness who files claims that result in an investigation of sexual misconduct shall not be subject to a disciplinary

sanction related to the incident unless the College determines that the report was not made in good faith or that the violation was egregious. An egregious violation shall include, but not be limited to, taking an action that places the health and safety of another person at risk.

4. Duty of Cooperation

All parties and witnesses are obligated to cooperate with the Title IX Coordinator and any persons charged with implementing this Policy and these procedures. Any person who knowingly interferes with the reporting, investigation, or resolution of matters under this Policy, including seeking to threaten, coerce, intimidate, or chill the participation of others, may be subject to separate and/or additional College disciplinary action under the EO Policy or other process.

5. Single Record of the Proceedings

In (a) all cases of sex-based harassment and (b) other discrimination cases not involving sex-based harassment in which both the Complainant(s) and Respondent(s) are either student(s) or current employee(s), the College will record or provide transcripts of various elements of the proceedings, as set forth in the Policy. In other cases, the College will provide access to the relevant and not otherwise impermissible evidence, or an accurate description of this evidence. If the College provides a description of the evidence, it will further provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party. No party or witness or representative of any party or witness may make audio, visual, or digital recordings of any meetings or proceedings held under this Policy or these procedures or during the review of the Investigation Report.

6. Disability Accommodations

The College is committed to ensuring that all community members, and applicants, have an equal opportunity to participate in its programs and activities. If any person requires a disability-related accommodation to access any part of this process, students may make that request to the Office of Accessibility Services by telephone at 508-793-3693 and employees or others to the Office of Human Resources at 508-793-3391. Any accommodations will be provided in consultation with the Title IX Coordinator to ensure they do not impact the rights or protections of any party or witness.

7. Amnesty in Certain Circumstances

The College encourages reporting under this Policy and seeks to remove barriers to reporting. Students may be hesitant to report sexual misconduct out of a concern that they, or witnesses, might be charged with a violation of the College's drug and alcohol policies or Community Standards. While the College does not condone such behavior, the College places a priority on the need to address sexual misconduct. The College generally will not hold a student who in good faith reports or is a witness during an investigation of sexual misconduct under this Policy accountable for disciplinary violations of the College's Community Standards that do not place the health and safety of any other person at risk or create a danger to the College community. The College retains the right to require students to attend counseling or drug/alcohol related courses even in

circumstances in which disciplinary conduct will not be pursued under this part.

8. Academic Freedom and Educational Setting

In educational settings, latitude and deference shall generally be given to a faculty member's professional judgment in determining the appropriate content and presentation of academic material. Academic curriculum and pedagogical goals that serve legitimate and reasonable educational purposes do not, in and of themselves, constitute sex-based harassment or other unlawful discrimination. Those participating in an educational setting as educators, however, bear a responsibility to balance their professional responsibilities and academic freedoms with a consideration of the reasonable sensitivities of other participants in accordance with applicable College policies. Nothing contained in this Policy shall be construed to limit the legitimate and reasonable academic responsibilities and academic freedom of the College's professional educators, or the College's educational mission.

9. Special Situations

The College retains the right to determine, in its sole discretion, if it will depart from this process to address a report of conduct under this Policy administratively and outside of the process described herein when the safety of the College community is at risk, if the material facts are undisputed, if there are extenuating circumstances involving either of the parties, or if the Title IX Coordinator, in consultation with appropriate administrators, determines, in their sole discretion, that it is in the best interest of the College and/or the community to do so. The following are non-exhaustive examples of when this provision may be utilized:

- When an investigation in a matter indicates that there may be one or more possible violations of any other College policy, rule or requirement in addition to an alleged violation of this Policy, the Title IX Coordinator will review such material and consult with the Director - Student Integrity and Community Standards, Vice President of Human Resources or other appropriate College officials, as appropriate. In these situations, the investigation and resolution procedure may follow this Policy to determine whether such other alleged violation(s) took place in addition to the alleged violation of this Policy or may be addressed separately as determined by the Title IX Coordinator.
- If, following the receipt of an alleged violation of this Policy, the Complainant declines to participate in the investigation or resolution process, the Title IX Coordinator may decide, in their sole discretion, to administratively close the investigation at any point in the investigation or resolution process.