

17-18

Office of Title IX Initiatives

ANNUAL REPORT

July 1, 2017 – June 30, 2018

Dear Members of the College Community,

This report covers complaints made and issues raised pursuant to the **College of the Holy Cross Sexual Misconduct Policy** from July 1, 2017 to June 30, 2018. The College reviews and amends the Sexual Misconduct Policy on an annual basis. This report and data provides information about the number of reported incidents of sexual misconduct and how the College addressed the complaints.

A shared statement of values guides the College and the Office of Title IX Initiatives:

“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. Sexual misconduct, 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 preventing the occurrence of sexual misconduct and addressing its effects.”

The College's commitment to non-discrimination includes an assurance that the College will not tolerate discrimination or harassment on the basis of sex, sexual orientation or gender identity, including, but not limited to sexual violence, dating or domestic violence, or stalking, or retaliation, in its community. The College follows through on that commitment, in part, through the implementation of a Sexual Misconduct Policy that defines prohibited conduct and the process by which the College will address such conduct in different circumstances.

The Sexual Misconduct Policy applies to all College community members, and all members of the College community are responsible for being familiar with the Sexual Misconduct Policy and abiding by its provisions at all times. Together, we can build a campus community that not only treats each other with empathy and respect but also stands in solidarity against discrimination, hate, and intolerance.

Members of our campus community can find confidential and discreet resources on the Title IX website. These additional resources are part of the College's ongoing efforts to ensure that our members have access to support and work in an educational environment free of discrimination.

Thank you for reading this report and for your continued efforts to create an environment of safe and respectful living and learning.

Sincerely,



Tracy Kennedy, JD
Director of Title IX Initiatives/
Title IX Coordinator



Cheryl Rogers, JD
Assistant Director of Title IX Initiatives/
Deputy Title IX Coordinator

ANNUAL REPORT CONTENTS

July 1, 2017 – June 30, 2018

Introduction to the Title IX Office.....	4
Title IX Reporting Options.....	5
Reporting and Investigations for FY 2017–18	5
Investigations and Findings.....	6
Sanctions.....	7
Prevention Education.....	8
Resources.....	10

INTRODUCTION

TO THE OFFICE OF TITLE IX INITIATIVES

Tracy Kennedy,

Director of Title IX Initiatives and Title IX Coordinator

Hogan Campus Center, Room 505

(508) 793-3336

tkennedy@holycross.edu

Cheryl Rogers,

Assistant Director / Deputy Title IX Coordinator

Hogan Campus Center, Room 522

(508) 793-2596

crogers@holycross.edu

"Informed by the presence of diverse interpretations of the human experience, Holy Cross seeks to build a community marked by freedom, mutual respect, and civility."

—Mission Statement, College of the Holy Cross

The College of the Holy Cross rejects and condemns all forms of harassment, wrongful discrimination, retaliation and disrespect and is committed to sustaining a welcoming environment for everyone and especially for those vulnerable to discrimination. Unlawful discrimination, harassment, including, but not limited to sexual violence and sexual misconduct, and retaliation are prohibited and will not be tolerated at the College. Such behavior violates College policies and may result in disciplinary action, up to and including termination or dismissal from the College.

The Office of the Director of Title IX Initiatives supports the College's commitment to a safe and inclusive community as evidenced by the College's Sexual Misconduct Policy (SMP or the Policy). The work of the Office is aligned with the mission of the College, where students are challenged to answer the question "*What are our obligations to one another?*" **Respect for, and obligation to, another individual is the foundation of healthy relationships and the key to prevention.**

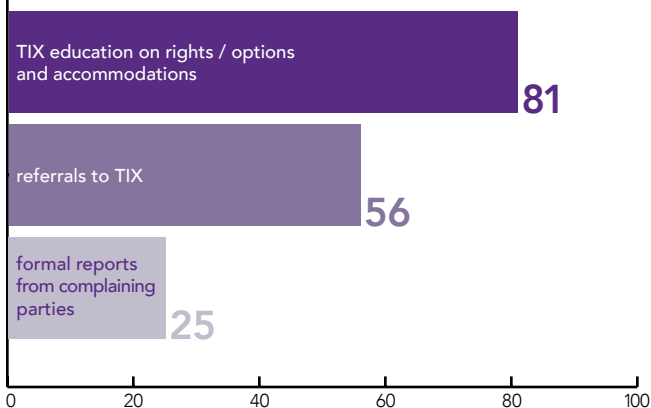
Comprised of the Director of Title IX Initiatives (who is also the Title IX Coordinator), the Assistant Director of Title IX Initiatives/Deputy Title IX Coordinator, other Deputy Title IX Coordinators and other qualified, trained members of the College Community, the Title IX Team supports the College community through policy, education, and response. The Director manages the College's Sexual Misconduct Policy and collaborates with multiple departments on providing resources for those affected by sexual misconduct as well as educational opportunities for the prevention of sexual misconduct. The Director also manages concerns and complaints by all community members that relate to sexual misconduct and manages the response, investigation and resolution of complaints.

We welcome your questions and encourage all community members to understand the Sexual Misconduct Policy, including the definitions of prohibited behaviors, available resources to support community members, and the process for the investigation and resolution of complaints.

REPORTING OPTIONS

The College encourages every member of its campus community to report concerns of sexual misconduct that they may experience. During the 2017-2018 fiscal year, the Title IX Office received twenty-five formal complaints of prohibited conduct under the Sexual Misconduct Policy. In addition to these formal reports, the Office connected with fifty-six members of our campus community providing the following: information on the Title IX process, opportunity to meet to discuss rights and options, support regarding living, working and academic accommodations and referrals to confidential resources on and off campus.

TYPES OF CONTACTS



To report a violation, make a complaint, or seek information about the process under the Sexual Misconduct Policy, you may contact the Title IX Coordinator or a Deputy Title IX Coordinator. You may also make a report to, or discuss an allegation under the SMP 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 resources, are required under the SMP to disclose reports and information concerning unlawful discrimination on the basis of sex, sexual orientation, gender identity, or marital or parental status, (including pregnancy and pregnancy related conditions) sexual harassment (including, but not limited to, sexual violence, relationship violence, stalking and sexual misconduct), or retaliation toward any member of the College community that is shared with them to the Title IX Coordinator. These employees are known as “Responsible Employees”. With the exception of the confidential resources at the College, all full-time and part-time faculty and employees, including student-employees and Resident Assistants, are considered Responsible Employees.

Once a Responsible Employee learns about an incident or allegation, or receives a report, the College is on notice and may be required to investigate. Whenever possible, Responsible Employees will disclose their duty to report incidents before someone reveals information about an incident. The College encourages individuals to speak with a Responsible Employee so their concerns can be investigated and properly resolved.

Members of our community may make an anonymous report through the [Anonymous Reporting Form for Sexual Misconduct](https://www.holycross.edu/sexual-respect-and-title-ix). (<https://www.holycross.edu/sexual-respect-and-title-ix>)

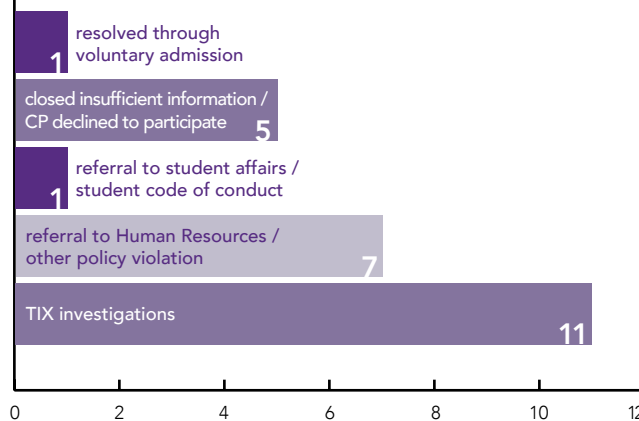
REPORTING AND INVESTIGATIONS

for 2017–2018

Reports Leading to Investigation

During the fiscal year, the College received twenty-five reports of alleged misconduct. The College investigated eleven cases of misconduct prohibited under the Sexual Misconduct Policy, referred seven cases to Human Resources for investigation under the Discriminatory Harassment Policy under Human Resources, referred one case to Student Affairs for review under Community Standards and Student Code of Conduct, and closed five cases due to insufficient information and/or the complaining party’s decision to not participate in Title IX resolution process. One matter was resolved through the voluntary admission provision under the Sexual Misconduct Policy.

25 REPORTS: 11 INVESTIGATIONS



Twenty-four potential policy violations were investigated in the eleven matters reviewed under the Sexual Misconduct Policy in 2017–2018.

Under the SMP, Other Inappropriate Sexual Contact is defined as, "having or attempting to have sexual contact of any kind other than that defined as "Sexual Violence" with another individual without consent. Other inappropriate sexual contact may include 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."

Under the SMP, 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.

Under the SMP, Sexual Violence is defined as: "physical sexual acts perpetrated against a person's will or where a person 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. This definition includes rape, sexual assault, sexual battery, and sexual coercion and includes assault with the specific intention to commit such an act. Sexual violence 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."

The College's Policy is that 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 cannot be obtained through: (a) the use of coercion, or (b) by taking advantage of the incapacitation or impairment of another individual, including someone who is incapacitated or impaired by intoxication or drugs, is underage, is unconscious, or is asleep. Consent requires an outward demonstration, through mutually understandable words or actions, indicating that an individual has chosen freely to engage in a sexual contact.

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.

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, 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; and

whether there are any circumstances, known or reasonably apparent to the individual alleged to have committed the conduct, demonstrating incapacitation or fear.

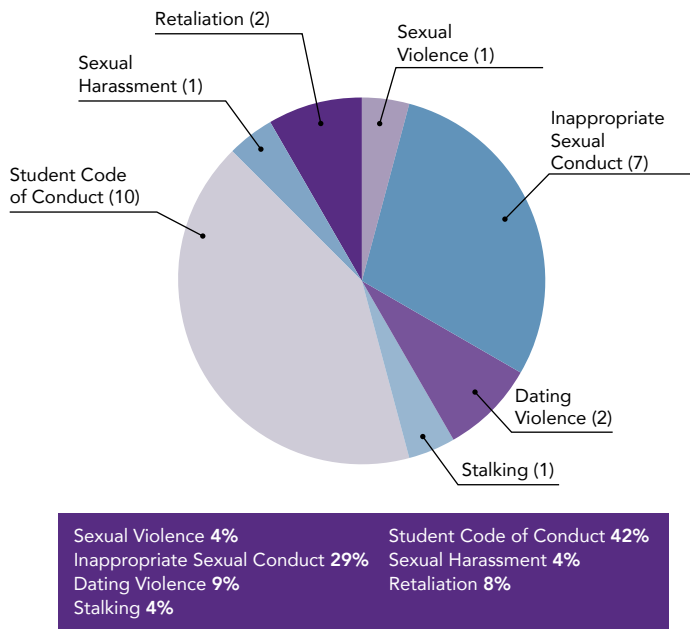
Investigations and Findings

In some instances, one investigation may involve allegations of more than one type of Prohibited Conduct. Within the eleven investigations conducted in this 2017-2018 year, twenty-four potential policy violations were investigated. Following the investigation and panel determination processes, in seven matters, the responding party was found responsible for policy violations.

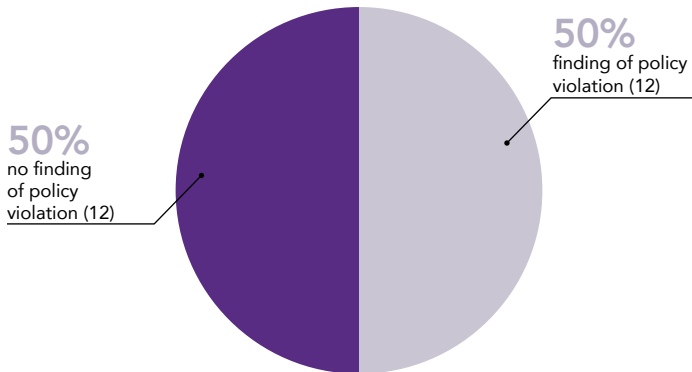


Since one investigation may involve allegations of more than one type of Prohibited Conduct, within the eleven investigations, twenty-four potential policy violations were reviewed. Of the twenty-four potential policy violations that were reviewed, the Determination Panels that reviewed these matters concluded twelve findings of responsibility for policy violations.

TYPE OF POLICY VIOLATIONS REVIEWED



24 POTENTIAL POLICY VIOLATIONS: 12 FINDINGS



Sanctions

Sanctions imposed with respect to responding parties who are employees or faculty members may include, but are not limited to, one or more of the following: dismissal from employment, non-renewal of an employment contract, suspension, probation, reprimand, warning, training and/or counseling, no-contact order, among others.

Sanctions imposed on students may include, but are not limited to, one or more of the following: expulsion, suspension, probation, reprimand, warning, restitution, education/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.

Sanctions for student groups, organizations and teams may include suspension, revocation or denial of registration or recognition, probation, reprimand,

warning, restitution, education, restriction, among other possible sanctions.

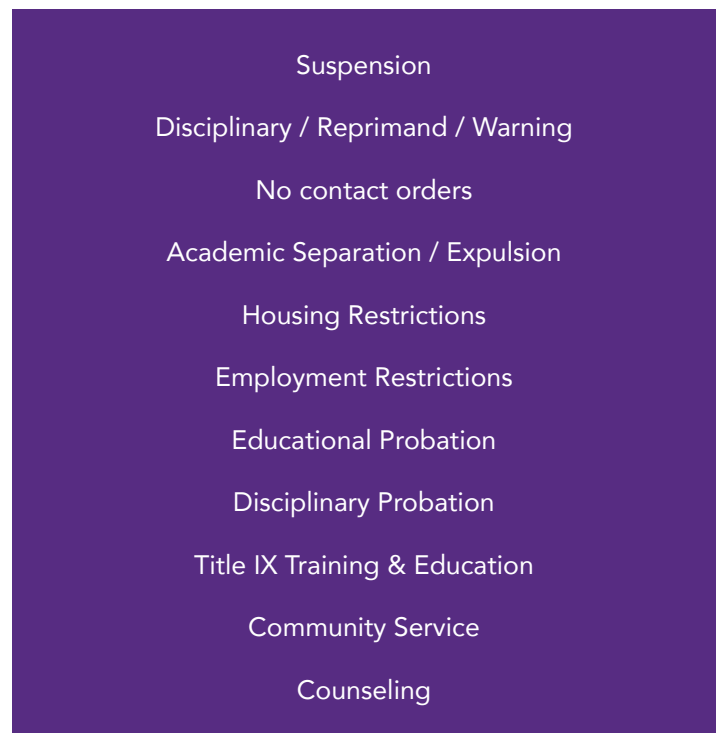
In determining an appropriate sanction, the College may take into account the following:

- › The nature and circumstances of the misconduct.
- › The impact of the misconduct on the Complaining Party.
- › The impact of the misconduct on the College community.
- › The disciplinary history of the Party deemed responsible.
- › Any other mitigating or aggravating circumstances in order to reach a fair and appropriate resolution in each case.
- › Range of sanctions typically imposed for similar violations

Possible sanctions for those found responsible for sexual violence, other inappropriate sexual contact, domestic/dating violence, stalking and hate crimes include a continuum of options based on the nature of the misconduct: Community Service, Educational Training, Probation, Suspension, Expulsion, Disciplinary Action, and Termination of Employment.

The summary below demonstrates the types of sanctions that have been implemented during this report year.

TYPE OF SANCTIONS FY 2017-18



Prevention Education

Prevention Requirements under the Jeanne Clery Act

The College is responsible for offering programs to prevent dating violence, domestic violence, sexual assault, and stalking. The Federal Violence Against Women Act amended the Clery Act to require comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking. These programs must be culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome. Further, they must include environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

The College offers both primary prevention and awareness programs directed at incoming students and new employees and ongoing prevention and awareness campaigns directed at students and employees.

The statute and regulations do not require that all students and employees take or attend the training, but the College has required new incoming students and employees attend training. Consistent with this mission, the College of the Holy Cross provides prevention programming and educational opportunities throughout the year and throughout a student's time at the College.

Overview of Student Training Programs

Education begins at Summer Gateways Orientation where College staff members discuss the College's Sexual Misconduct Policy, including resources and safety measures.

Risk Reduction: The College offers Basic R.A.D. (Rape Aggression Defense) classes to our female students, staff and faculty. Students gain empowerment and skill building in self-defense techniques. Other campus-wide endeavors include alcohol and drug awareness programming and safety information provided through the Office of Student Wellness Programming and the Student Government Association (SGA).

3rd Millennium Online Education Programs: The College deploys required training through Student Affairs, Office of Student Wellness Programming. Currently, the Title IX training suite helps students recognize healthy and unhealthy actions, attitudes, and behaviors. It fully addresses the *Campus Sexual Violence Elimination Act (Campus SaVE)*. This Act amends the Clery Act requiring education and awareness programs, bystander intervention and ongoing efforts to education on consent and risk reduction. The 3rd Millennium training also includes alcohol education to prevent abuse and promote student wellness.

Equality Inc. Program: During the Fall Gateways Orientation, the College engaged with Equality, Inc., an external theater troupe, to bring "One Night," an educational experience to campus. As described on its website, "One Night is an original play about rape among friends. In the course of being entertained, audience members have an opportunity to consider common misconceptions about rape. The program also covers: legal, medical, and community options available to rape victims, how drugs and alcohol are often used to increase vulnerability, risk-reduction techniques, and ways to support victims and work to end rape."

Mandatory NCAA Athletic Online Training: Holy Cross is committed to ensuring that its coaches, college athletes and athletics administrators complete education each year in sexual violence prevention, according to a **policy adopted by the NCAA Board of Governors**.

Annually, all athletes participate in the Risk-X Sexual Violence Prevention & Education Course. Training areas include NCAA statistics, Alcohol and Sexual Misconduct, Types of Sexual Misconduct, Effective Consent, Prevention and Interventions and the College's Sexual Misconduct Policy.

The learning objectives for students are:

- 】 Describe what constitutes sexual misconduct and the various types of sexual misconduct.
- 】 Explain how you can help prevent sexual misconduct.
- 】 Explain the importance of maintaining a non-discriminatory educational environment free from sexual misconduct.
- 】 Describe what constitutes sexual misconduct and the various types of sexual misconduct.
- 】 Explain how you can help prevent sexual misconduct.
- 】 Explain the importance of maintaining a non-discriminatory educational environment free from sexual misconduct.

Active Bystander and Consent Training: Relationship Peer Educators (RPEs) in partnership with the Counseling Center and support from the Office of Title IX Initiatives facilitated annual mandatory training for new students. Students had an opportunity to learn skills that will help them be a proactive campus member and contribute to a safer campus community, including learning about consent and healthy relationships, campus policies, resources and reporting options that include both confidential and discreet resources, including reporting to the Department of Public Safety and through the Title IX office.

Programming was also offered to community members throughout the year. RPEs provided ongoing awareness raising programs and events on healthy relationships and the root issues underlying sexual violence. RPEs facilitated the One Love Foundation's Escalation workshop, a primary prevention program designed to address sexual and relationship violence. In addition, students participated in other opportunities to raise awareness of these issues and reduce risk, including Take Back the Night vigil, sponsored by the Feminist Forum, and RAD self-defense classes, offered by the Department of Public Safety.

Employee Training

New employees are required to participate in online sexual harassment prevention training, a training that discusses forms of sexual harassment and provides tips for stepping in as a bystander. All employees were offered programming on the College's Sexual Misconduct Policy on a regular basis; this program discusses the College's Sexual Misconduct Policy and Process for Investigating and Resolving Complaints, available resources and tips for bystander action. In addition, through a variety of academic programs and departments that offered numerous opportunities to learn from guest speakers on the topic of gender, including sexual assault, dating violence, sexual orientation, gender identity/expression and other gender/sex-related topics.

The following College departments offered programming and educational opportunities for all community members throughout the 2017–18 year:

- › Office of Title IX Initiatives
- › The Department of Public Safety
- › Office of Residential Life
- › Counseling Center, RPE Program
- › The Chaplains Office
- › Academic Departments
- › Office of Student Involvement
- › Office of Wellness Programming
- › Athletic Department
- › Human Resources
- › The Sexual Assault Facts, Education and Response (SAFER) Advisory Committee

When SEXUAL or RELATIONSHIP VIOLENCE OCCURS, RESOURCES ARE AVAILABLE:

EMERGENCY RESOURCES



If you are in danger, call
Holy Cross Public Safety
at
(508) 793-2222

CONFIDENTIAL RESOURCES



For confidential assistance
ON CAMPUS:

Counseling Center
(508) 793-3363

Chaplains' Office
(508) 793-2448

Health Services
(508) 793-2276

Employee Assistance Program
(800) 648-9557

For confidential assistance
OFF CAMPUS:

Pathways for Change
(Sexual Assault)
24 Hour: (800) 870-5905

YWCA
(Relationship Violence)
24 Hour: (508) 755-9030

**UMass - Memorial
Hospital Emergency**
(Closest SANE Hospital)
24 Hour: (508) 334-6481

DISCREET REPORTING OPTIONS



Title IX Office
(508) 793-3336
**Holy Cross
Public Safety**
(508) 793-2222

**Title IX
Anonymous Reporting**
[https://www.holycross.edu/
sexual-respect-and-title-ix](https://www.holycross.edu/sexual-respect-and-title-ix)



COLLEGE OF THE
Holy Cross



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. Unlawful discrimination, retaliation, sexual misconduct, in all forms, violates the sanctity of the human body and spirit and will not be tolerated within the College community.



COLLEGE OF THE

Holy Cross

Office of Title IX Initiatives

College of Holy Cross

Hogan Center, Room 505

(508) 793-3336

holycross.edu/sexual-respect-and-title-ix