



444 Green Street, Gardner, MA 01440-1000

Division of Human Resources & Payroll/Affirmative Action Office

TITLE IX POLICY AGAINST SEXUAL HARASSMENT & SEXUAL VIOLENCE

a. Introduction

It is the goal of the Community Colleges to promote an educational environment and workplace that is free of all forms of sexual harassment. Sexual harassment of students or employees occurring in the classroom or the workplace is unlawful and will not be tolerated by the Community College. Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated. To achieve our goal of providing a workplace free from sexual harassment, the conduct that is described in this policy will not be tolerated and we have provided a procedure by which inappropriate conduct will be dealt with, if encountered by students or employees.

Because the Community Colleges take allegations of Title IX Sexual Harassment seriously, we will respond promptly to complaints of Title IX Sexual Harassment and where it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective measures, including disciplinary action where appropriate and consistent with applicable collective bargaining agreements.

The College does not discriminate on the basis of sex in any education program or activity that it operates, and it is required by Title IX and 34 C.F.R Part 106, §106.8 (b) not to discriminate in such a manner.

b. Definition of Title IX Sexual Harassment

Title IX Sexual Harassment is defined under the “Definitions” section of this Policy.

All employees and students should take special note that, as stated above, retaliation against an individual who has complained about Title IX Sexual Harassment, or retaliation against individuals who have cooperated with an investigation of Title IX Sexual Harassment is unlawful and will not be tolerated by the Community Colleges.

a. Complaints of Title IX Sexual Harassment

All Formal Complaints of Title IX Sexual Harassment shall proceed under this Policy’s Title IX Sexual Harassment Complaint Process. To file a complaint a person may do so by contacting

the College's Title IX Coordinator, or designee. A report of an allegation of sexual harassment may also be presented to other "Responsible Employees" at the College. These persons are also available to discuss any concerns a person may have and to provide information about the Policy.

b. Sexual Harassment Investigation

A Formal Complaint of Title IX Sexual Harassment will be promptly investigated in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Our investigation will be conducted in accordance with this Policy's Title IX Sexual Harassment Complaint Process and may include a private interview with the person filing the complaint and with witnesses. The person alleged to have committed Title IX Sexual Harassment will also be interviewed. Once the investigation is completed, the College will, to the extent appropriate, inform the parties of the results of that investigation.

If it is determined that a violation of this Policy has occurred, the College will act promptly to eliminate the offending conduct, and where it is appropriate also impose disciplinary action.

c. Disciplinary Action

Discipline for violating this Policy may include, but is not limited to, mandatory counseling or training, verbal or written warnings, suspension, termination from employment, or expulsion from the College.

d. Consensual Relationships

• Faculty/Administrator/Staff Member Relationships with Students

A romantic and/or sexual relationship, consensual or otherwise, between a faculty member, administrator or staff member and a student is looked upon with disfavor and is strongly discouraged. No faculty member shall have a romantic and/or sexual relationship, consensual or otherwise, with a student who is being taught or advised by the faculty member or whose academic work is being supervised or evaluated, directly or indirectly, by the faculty member. No administrator or staff member shall have a romantic and/or sexual relationship, consensual or otherwise, with a student who the administrator or staff member supervises, evaluates, advises, or provides other professional advice or services as part of a College program or activity.

• Relationships Between Supervisors, Subordinates or Co-Workers

A consenting romantic and/or sexual relationship between a supervisor and subordinate or co-workers may interfere with or impair the performance of professional duties and responsibilities and/or create an appearance of bias or favoritism. Further, such relationships could implicate state ethics laws and/or result in claims of sexual harassment, discrimination or retaliation. Therefore, such workplace relationships are strongly discouraged.

e. Identification

Personal identifiable information about parties of sexual violence will be treated as confidential and only shared with persons with a specific need to know and/or who are investigating and/or adjudicating the complaint, delivering resources or support services to the Complainant or as public safety requires. The College does not publish the names or other identifiable information of parties of sexual violence in the campus police department's Daily Crime Log, in any Timely Warnings issued or online. In accordance with the Family Educational Rights and Privacy Act, an individual may request that no directory information maintained by the College be released absent his/her prior, written consent.

f. Supportive Measures

Title IX requires the College to take non-disciplinary/non-punitive reasonable steps to preserve or restore equal access to its education programs and activities and protect individuals from any Title IX Sexual Harassment or other Prohibited Conduct, including offering supportive measures before the final outcome of an investigation, irrespective of whether the complainant ever chooses to file a Formal Complaint. Such measures are designed to restore or preserve equal access to the College's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College's educational environment, or deter all forms of sexual harassment. The College shall take these steps promptly once it has notice of an allegation of Title IX Sexual Harassment, including sexual violence. Examples of interim protective measures include, but are not limited to, the following:

- Counseling;
- Extensions of deadlines or other course-related adjustments (for example: changing class schedule, withdrawal without penalty, providing student services such as tutoring, alternate class completion options);
- Modifications of work schedules or job assignments;
- Campus escort services;
- Mutual restrictions on contact between the parties;
- Changes in work or housing locations (if applicable);
- Leaves of absence, increased security and monitoring of certain areas of the campus; and
- Other similar measures.

The specific supportive measures implemented and the process for implementing those measures will vary depending on the facts of each case. The College will consider a number of factors in determining what supportive measures to take, including, for example, the specific needs expressed by either party; the severity or pervasiveness of the allegations; any continuing effects on either party; whether the parties share the same classes, dining hall schedule, transportation, or job location; and whether other judicial measures have been taken to protect either/both parties (*e.g.*, civil protection orders).

In general, when taking supportive measures, the College shall minimize the burden on either party. The College must maintain as confidential any supportive measures provided to either party, to the extent that maintaining such confidentiality would not impair the ability of the College to provide the supportive measures.

g. Amnesty

Students may be hesitant to report sexual violence out of concern that they, or witnesses, might be charged with violations of the College's drug/alcohol policy and/or the Student Code of Conduct. While the College does not condone such behavior, it places a priority on addressing allegations of sexual violence. Accordingly, the College may elect not to pursue discipline against a student who, in good faith, reports, witnesses or possesses personal knowledge of an incident of sexual violence.

h. Protections for Complainant Regarding Sexual Violence

A person subjected to sexual violence shall:

- Be provided with a copy of the College's *Sexual Violence – Complainant's Rights and Information Advisory*, which shall include information concerning counseling, health, and mental health services, victim advocacy and support, law enforcement assistance, and other services available on and off campus;
- Have the right to pursue, or not pursue, assistance from campus administration officials or campus law enforcement;
- Not be discouraged by College officials from reporting an incident to both on-campus and off-campus authorities;
- Be provided assistance in contacting local law enforcement if requested and have the full and prompt assistance and cooperation of campus personnel should a civil and/or criminal complaint be pursued;
- Be free from any suggestion that they somehow contributed to or had a shared responsibility in the violent act;
- Receive the same level of support at any proceeding before College officials as is permitted to the accused party, including the presence of an advisor during any disciplinary proceeding and the right to be notified in a timely manner of the outcome of such proceedings and any appeal right available;
- Receive full and prompt cooperation from College personnel in obtaining and securing evidence (including medical evidence) necessary for any potential criminal proceedings;
- Have access to existing College counseling and medical professionals, victim support services, and to obtain referrals to off-campus counseling and support services if desired;

- Be permitted to attend classes, work and participate in College activities free from unwanted contact or proximity to the respondent insofar as the College is permitted and able;
- Be permitted to request changes to an academic schedule if such changes are requested by the alleged victim and are reasonably available; and
- Be informed of any no-contact or no-trespass orders issued to the respondent by the College and the College's commitment to honor any court-issued restraining or protective orders, to the extent permitted by law.

i. Recommended Procedures for a Victim of Sexual Violence

For a person subjected to an act of sexual violence, there can be time-sensitive decisions to make about sexually transmitted infections, pregnancy, and collecting physical evidence in the event of prosecution. Individuals who have been victims of sexual violence are advised as follows:

- **Protect Yourself and Get Medical Attention** – A victim should be advised to go to a safe place as soon as possible and seek medical attention immediately. Injuries and exposure to disease may not be immediately apparent. A medical examination can provide necessary treatment and collect important evidence. It is recommended that a physical exam be conducted within 72 hours of the violence. Submitting to a physical exam does not mean that a victim is required to press charges. This action merely preserves the option to do so. Designated College personnel can assist in providing transportation to the hospital.
- **Preserve Evidence** - It is important to preserve all physical evidence following an act of sexual violence. Physical evidence may be necessary in the event criminal prosecution is pursued. If possible, a victim should be advised not to wash, eat, drink, douche, clean, use the bathroom, or change clothes. If clothes are changed, all clothes that were worn at the time of the incident should not be cleaned and should be placed into an unused or a clean paper bag.
- **Health and Support Services** - Various health and support services are available on and off campus for students and employees who have experienced sexual violence. For information about such services, including counseling, please contact the Affirmative Action and/or Title IX Coordinator.

j. Rape Crisis Center Contact Information

The following is a list of Rape Crisis Centers in Massachusetts. As the following contact information may be subject to change, current contact information on rape crisis centers in Massachusetts can be found at the Commonwealth's Executive Office of Health and Human Services' Website under "Consumer" information at <http://www.mass.gov/eohhs/>.

Greater Boston Area

Boston Area Rape Crisis Center, Cambridge, 617-492-7273 Hotline, 617-492-6434 TTY

Northeastern Massachusetts

North Shore Rape Crisis Center, Beverly, 800-922-8772 Hotline, 978-921-8729 TTY
Rape Crisis Services of Greater Lowell, 800-542-5212 Hotline, 978-452-8723 TTY
YWCA of Greater Lawrence, 877-509-9922 SA Hotline, 978-686-8840 TTY

Central Massachusetts

Rape Crisis Center of Central Mass., Worcester, 800-870-5905 Hotline, 508-852-7600 TTY
Rape Crisis Center of Central Mass., Fitchburg, 800-870-5905
Wayside Victim Services, Milford, 800-511-5070 Hotline, 508-478-4205 TTY
Voices Against Violence, Framingham, 800-593-1125 Hotline, 508-626-8686 TTY

Southeastern Massachusetts

A Safe Place, Nantucket, 508-228-2111 Hotline, 508-228-0561 TTY
Independence House, Hyannis, 800-439-6507 Hotline, 508-778-6782 TTY
Women Support Services, Vineyard Haven, 508-696-7233
Greater New Bedford Women Center, New Bedford, 888-839-6636 Hotline, 508-996-1177 TTY
New Hope, Attleboro, 800-323-4673 Hotline/TTY
Stanley Street Women Center, Fall River, 508-675-0087 Hotline, 508-673-3328 TTY
Womansplace Crisis Center, Brockton, 508-588-8255 SA Hotline, 508-894-2869 TTY

Western Massachusetts

Elizabeth Freeman Center, Pittsfield, 413-443-0089 Hotline, 413-499-2425 TTY
Everywoman Center, Amherst, 413-545-0800 Hotline, 888-337-0800 TTY
NELCWIT, Greenfield, 413-772-0806 Hotline/TTY
YWCA, Springfield, 800-796-8711
YWCA of Western Mass, Westfield, 800-479-6245 Hotline/TTY

These Rape Crisis Centers offer FREE services to survivors of sexual violence, including:

- 24/7 hotline counseling, information, and referral;
- Will go with survivors to hospitals and/or police stations 24/7;
- Will go with a survivor to court;
- Provide one-to-one counseling and support group counseling; and
- Provide primary prevention education; professional training; outreach.

k. State and Federal Remedies

In addition to the above, if you believe you have been subjected to sexual harassment, you may file a formal complaint with the governmental agencies set forth below. Filing a complaint under this Policy does not prohibit you from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim (EEOC - 300 days; MCAD - 300 days).

United States Equal Employment Opportunity Commission ("EEOC")

One Congress Street
10th Floor Boston, MA 02114
(617) 565-3200.

The Office For Civil Rights (“OCR”)

U.S. Department of Education
John W. McCormack Post
Office and Courthouse, Room 222
Boston, MA 02109
(617) 223-9662

Massachusetts Commission Against Discrimination (“MCAD”)

Boston Office:
One Ashburton Place
Rm. 601
Boston, MA 02108
(617) 994-6000

Worcester Office:
Worcester City Hall
484 Main St., Rm. 320
Worcester, MA 01608
(508) 799-8010

Springfield Office:
436 Dwight St., Rm. 220
Springfield, MA 01103
(413) 739-2145

New Bedford Office:
800 Purchase St., Rm. 501
New Bedford, MA 02740
(508) 990-2390

TITLE IX COORDINATOR

See “Definition” Section of this Policy for Affirmative Action Officer and Title IX Coordinator contact information. (Appendix C)

a. Title IX Coordinator

The College shall employ a Title IX Coordinator. The Title IX Coordinator may also serve as the College’s AAO. The College’s Title IX Coordinator has primary responsibility for coordinating the College’s efforts to comply with and carry out its responsibilities under Title IX, which prohibits all sex discrimination and Title IX Sexual Harassment in all College operations, as well as retaliation for the purpose of interfering with any right or privilege secured by Title IX. The Title IX Coordinator shall be adequately trained to perform her/his duties, including understanding the legal aspects of Title IX, conducting investigations of all sex discrimination and Title IX Sexual Harassment, administering an investigative process that protects the safety of victims and promotes accountability and providing campus-wide training to members of the College community.

Members of the College community should contact the Title IX Coordinator in order to:

- seek information or training about students’ and employees’ rights and courses of action available to resolve complaints that involve sex discrimination, not limited to Title IX Sexual Harassment;
- file a complaint or make a report of a sex discrimination, not limited to Title IX Sexual Harassment;
- notify the College of an incident that may raise potential Title IX concerns;
- provide information about available resources; and
- periodically evaluate and review the College’s policies and procedures related to sex discrimination, not limited to Title IX Sexual Harassment.

The Title IX Coordinator’s functions and responsibilities include:

- Coordinate Title IX efforts including the development, implementation, and monitoring of appropriate disclosures, policies, procedures and practices designed to comply with federal and state legislation, regulation, and case law requiring the prompt and equitable resolution of all complaints pursuant to Title IX;
- Provide leadership, direction and supervision for all activities and personnel of the Title IX program including consulting with relevant policy-making bodies and senior personnel for the purpose of advising, clarifying and identifying necessary action to eliminate sex discrimination in all educational programs and activities, to ensure that access to facilities, opportunities, and resources is gender equitable throughout the College;
- Provide ongoing training, consultation, and technical assistance on Title IX for all students including: students’ rights under Title IX, identifying behaviors that constitute Title IX Sexual Harassment ; how to report Title IX Sexual Harassment; reporting

- options; understanding the College's Complaint Procedure and Complaint Processes; the potential consequences for violating College policies; the role of alcohol and/or drug use; amnesty; consent; the importance of seeking prompt medical attention; prohibition against retaliation; and Bystander Intervention training;
- Provide ongoing training, consultation, and technical assistance on Title IX for all employees in areas including: how to identify and report Title IX Sexual Harassment; the College's responsibilities to address Title IX Sexual Harassment; recognizing warning signals; reporting Title IX Sexual Harassment to appropriate College officials; and information regarding confidential reporting options.
 - Provide ongoing training, consultation, and technical assistance on Title IX for all Responsible Employees including: understanding their reporting obligations; confidentiality; students' rights and remedies; and available student services.
 - Develop, implement and coordinate campus and/or school-based strategic efforts aimed at the prevention of sexual violence and other forms of sex discrimination;
 - Develop and disseminate educational materials, including brochures, posters, and web-based materials that inform members of the College community of Title IX rights, responsibilities and resources both within and external to the College;
 - Oversee prompt, effective, and equitable intake, investigation, processing, issuing of findings of fact or management of hearing process, and timely resolution of all Title IX Sexual Harassment matters, or cases otherwise involving sex discrimination made known to responsible employees and/or reported or filed by students, faculty, employees, third parties, or by members of the broader community;
 - Provide appropriate notice of an investigation; determine the extent of an investigation; oversee investigation efforts; ensure provision of initial remedial actions; assure compliance with timelines; deliver appropriate notice of charge, notice of investigation, notice of outcome, duty to warn, and remedies, and provide a repository for and source of institutional record-keeping;
 - Provide guidance and assistance to alleged victims of Prohibited Conduct, including referral to support resources, notice of right to file internal grievances, notice of the right to grieve to the US Department of Education Office for Civil Rights, and notice of the right to report incidents to law enforcement;
 - Coordinate the College's notice to all applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, employees, and all unions, of the name or title, office address, electronic mail address, and telephone number of their designation as the Title IX Coordinator;
 - Organize and maintain grievance files, disposition reports, and other records regarding Title IX compliance, including annual reports of the number and nature of filed

complaints and the disposition of said complaints, data collection, climate assessment, pattern monitoring; and

- Serve as principal contact for government inquiries pursuant to Title IX.

COMPLAINT PROCEDURES

I. General Information For All Complaints

a. Application of Policy

Both below-listed complaint procedures are intended to provide a mechanism to investigate and where possible resolve complaints of alleged violations of this Policy against employees and students. The procedures outlined below are intended to ensure that the College will conduct an impartial, fair, effective, and efficient investigation of all allegations of violations of this Policy without fear of retaliation. The complaint procedure is available to any employee or student, or applicant for employment or admission, who believes he/she has been subjected to Prohibited Conduct or Title IX Sexual Harassment as defined under this Policy. A complaint filed in another forum does not preclude an individual from filing a complaint under this Policy. Further, a complaint filed in another forum, including a criminal or civil complaint, shall not delay an investigation of a complaint filed under this Policy.

b. Confidentiality of Process

The complaint procedure will be conducted as confidentially as reasonably possible to protect the privacy rights of all individuals involved. The College may share information concerning the complaint with parties, witnesses and/or others during any phase of the procedure on a need-to-know basis and shall share information with union representatives as provided for in G.L. c.150E. All individuals with whom information is shared shall be advised of the confidential nature of the information and directed not to discuss the matter with anyone other than an advisor, if applicable.

c. Complainant Requests Confidentiality

Where a Complainant requests that no action be taken by the College or requests that her/his identity not be revealed, the College shall take reasonable steps to investigate and respond to the complaint, but shall inform the Complainant that such a request may hamper its ability to fully investigate an alleged violation of this Policy and/or to take appropriate remedial steps, including disciplinary action. Where an allegation of Prohibited Conduct involves the potential of an ongoing threat to the health, safety or security of the College or a potential adverse employment action, the Affirmative Action Officer, or in the case of an allegation of Title IX Sexual Harassment, the Title IX Coordinator, shall inform the Complainant that it cannot ensure confidentiality and disclosure of their name may likely be required.

d. Off Campus Behavior

The College reserves the right to investigate alleged Prohibited Conduct under this Policy occurring off-campus when such conduct adversely affects the College Community, poses a threat of harm to the College Community; interferes with the College's pursuit of its educational objectives and mission, and/or if a student or employee is charged with a serious violation of state or federal law. Title IX Sexual Harassment occurs in the College's education program or activity, against a person in the United States. Education program or activity includes locations, events, or

circumstances over which the College exercised substantial control over both the Respondent and the context in which the conduct occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the College.

e. Supportive Measures

Title IX requires the College to take non-disciplinary/non-punitive reasonable steps to preserve or restore equal access to its education programs and activities and protect individuals from Prohibited Conduct and Title IX Sexual Harassment, including offering supportive measures before the final outcome of an investigation, irrespective of whether the complainant ever chooses to file a Formal Complaint. Such measures are designed to restore or preserve equal access to the College's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College's educational environment, or deter all forms of sexual harassment. The College shall take these steps promptly once it has notice of an allegation of Prohibited Conduct or Title IX Sexual Harassment. Examples of supportive measures include, but are not limited to, the following:

- Counseling;
- Extensions of deadlines or other course-related adjustments (for example: changing class schedule, withdrawal without penalty, providing student services such as tutoring, alternate class completion options);
- Modifications of work schedules or job assignments;
- Campus escort services;
- Mutual restrictions on contact between the parties;
- Changes in work or housing locations (if applicable);
- Leaves of absence, increased security and monitoring of certain areas of the campus; and
- Other similar measures.

The specific supportive measures implemented and the process for implementing those measures will vary depending on the facts of each case. The College will consider a number of factors in determining what supportive measures to take, including, for example, the specific needs expressed by each party; the severity or pervasiveness of the allegations; any continuing effects on each party; whether the parties share the same classes, dining hall schedule, transportation, or job location; and whether other judicial measures have been taken to protect the victim (*e.g.*, civil protection orders).

In general, when taking supportive measures, the College shall minimize the burden on each party. The College must maintain as confidential any supportive measures provided to the parties, to the extent that maintaining such confidentiality would not impair the ability of the College to provide the supportive measures.

f. Interim Action and Emergency Removal

The College reserves the right to suspend a student on an interim basis or place an employee on paid administrative leave prior to completing an investigation under this Policy when it reasonably concludes that a student or employee: (a) poses a threat to health or safety; (b) poses a threat to College property or equipment; (c) is disruptive or interferes with the normal operations of the

College; or (d) is charged with a serious violation of state or federal law. In such cases, the College shall provide the employee or student of the specific reason(s) for the interim action. During a student's interim suspension or an employee's leave, the College reserves the right to prohibit the individual from entering upon the College's property or participating in any College activities absent written authorization from an appropriate official of the College.

In the case of a Title IX Sexual Harassment claim, the College must base its decision to institute interim action ~~an~~ (i.e., emergency removal) on the following factors: (1) It undertakes an individualized safety and risk analysis, (2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Title IX Sexual Harassment justifies removal, and (3) provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. A respondent subject to emergency removal from the Title IX Coordinator may appeal the decision per the Appeal procedure below in Step 4 of the Title IX Sexual Harassment Complaint Process. The College shall make reasonable efforts to minimize disruption in the professional or educational experience of all affected parties. The College, Complainant, and Respondent will take reasonable efforts to preserve all relevant materials to a complaint, including communications (e.g. email and voice) and documents.

g. Joint Investigation

In some circumstances a Responding Party's conduct may constitute a potential violation of this Policy and/or other conduct policies applicable to employees or students. In such cases, in order to avoid duplicative investigatory efforts, a joint investigation under this Policy may be conducted by the AAO or, in the case of an alleged Title IX Sexual Harassment, the Title IX Coordinator, and the administrator charged with enforcing conduct policies. For example, if the Responding Party is a student, the Affirmative Action Officer (or Title IX Coordinator if a Title IX Sexual Harassment is alleged) and Student Code of Conduct Officer may jointly investigate the complaint. Based on the findings of their joint investigation, the student may be subject to disciplinary action for violations of this Policy and/or the Student Code of Conduct. Where the Responding Party is an employee, a joint investigation may be conducted by the Affirmative Action Officer (or Title IX Coordinator if a Title IX Sexual Harassment is alleged) and the employee's supervisor. Based on the findings of their joint investigation, the employee may be subject to disciplinary action for violations of this Policy and/or for inappropriate and unprofessional conduct.

h. Collateral Rights of Employees

Any disciplinary action taken against an employee shall be regarded as an administrative action subject to all terms and conditions of applicable collective bargaining agreements.

i. Anonymous Report

Any individual may file an anonymous report concerning any Prohibited Conduct or Title IX Sexual Harassment referenced under this Policy. An individual may report the incident without disclosing his/her name, identifying the respondent or requesting any action. An anonymous report may be filed with the Affirmative Action Officer or, in the case of an allegation of Title IX Sexual Harassment, the Title IX Coordinator. Depending on the level of information available about the

incident or the individuals involved, however, the College's ability to respond to an anonymous report may be limited (e.g. offering supportive measures to a Complainant of Title IX Sexual Harassment).

j. Amnesty

Students may be hesitant to report sexual violence out of concern that they, or witnesses, might be charged with violations of the College's drug/alcohol policies. While the College does not condone such behavior, it places a priority on addressing allegations of sexual violence. Accordingly, the College may elect not to pursue discipline against a student who, in good faith, reports, witnesses or possesses personal knowledge of an incident of sexual violence.

k. False Charges

Filing a false charge under this Policy is a serious offense. If an investigation reveals that a complainant knowingly filed false charges, the College shall take appropriate actions and issue sanctions pursuant to other applicable College policies, including any applicable collective bargaining agreement. The imposition of such sanctions does not constitute retaliation under this Policy. A report made in good faith, however, is not considered false merely because the evidence does not ultimately support the allegation of prohibited conduct.

l. Informal Procedures

Where appropriate, the parties to a dispute and/or the Affirmative Action Officer or Title IX Coordinator may attempt to reach an informal and prompt resolution of the matter. Informal resolution is encouraged and any of the parties involved may request the intervention of the Affirmative Action Officer/Title IX Coordinator to assist in resolving the matter informally. An informal resolution is achieved through open or closed dialogue between the parties that allows for the airing of any misunderstandings or disputed issues. The informal procedure shall not be used in an effort to resolve student allegations of any type of sexual harassment/violence asserted against an employee, or in cases involving sexual harassment/violence unless a Formal Complaint is filed. If the parties accept the informal resolution, its terms shall be reduced to writing, signed by both parties, and the Affirmative Action Officer/Title IX Coordinator shall retain the document, with copies to the parties; thereafter, the matter shall be considered resolved between the parties. In the case where the Respondent is an employee, prior to execution of a resolution, they will be notified that a copy of the informal resolution may be placed in their personnel file. The parties may request from the College that an informal resolution not be placed in the Respondent's personnel file; however, the College retains the sole discretion to approve or to deny this request. In cases where such request is denied, each party reserves their right to withdraw from the informal resolution process and resume the Complaint process. All other documents related to the informal resolution of a Complaint shall be kept separate from the personnel file. Further, at no time shall a responding party question or confront a Complainant, or engage a third party to do so, as such conduct may constitute intimidation and/or retaliation, which are strictly prohibited under this Policy.

II. Title IX Sexual Harassment Complaint Process

Formal Complaint Requirement

This Title IX Sexual Harassment Complaint Process shall be available for allegations involving a Formal Complaint of Title IX Sexual Harassment.¹ The College may consolidate Formal Complaints as to allegations of Title IX Sexual Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations arise out of the same facts or circumstances. A party may raise concerns to the Title IX Coordinator (or designee) as to any consolidation; however, the College retains the right to proceed with any consolidation in its sole discretion.

Jurisdiction of the College

By simultaneous written notice to the parties, the College *must* dismiss any Formal Complaint with regard to that conduct for purposes of Title IX Sexual Harassment, if the conduct alleged:

- Would not constitute Title IX Sexual Harassment as defined, even if proven;
- Did not occur in the College's education program or activity; or
- Did not occur against a person in the United States.

The College *may* dismiss any Formal Complaint for the purposes of Title IX Sexual Harassment if:

- A Complainant withdraws the Formal Complaint or any allegations therein;
- The Respondent is no longer enrolled or employed by the College; or
- Specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.²

In the case that a Formal Complaint is precluded from review under the Title IX Sexual Harassment Complaint Procedure for jurisdiction purposes, the College reserves the right to address such other complaints under the Complaint Process (*found herein at Section L., II.*).

Step 1 – Investigation

Upon receipt of a Formal Complaint (preferably in the format of Appendix A), the Title IX Coordinator (or designee) must promptly contact the Complainant confidentially to discuss the availability of supportive measures and resources, consider the Complainant's wishes with respect to these supportive measures, and explain to the Complainant the Title IX Sexual Harassment Complaint Process. If a student is involved, the Title IX Coordinator shall notify the Vice President or Dean of Student Services.

Within five (5) days of receiving a Formal Complaint, the Title IX Coordinator will notify the Respondent in writing of the Formal Complaint (see Appendix B), provide the Respondent with a copy thereof and discuss supportive measures. The timeliness of such notification shall be in accordance with the appropriate collective bargaining agreement, if applicable. The Respondent shall have five (5) days from receipt of notice to submit to the Title IX Coordinator a written response to the Formal Complaint.

¹ A College may address sexual harassment affecting its students or employees that falls outside Title IX's jurisdiction, including by providing supportive measures or pursuing discipline consistent with applicable policies.

² This decision may be appealed consistent with the appeal procedure in Step 4 below.

Where practicable, within fifteen (15) days from the date the Respondent's written response is received, or the date it was due if none was submitted, the Title IX Coordinator shall conduct an investigation and issue all evidence³ gathered to the parties (and Advisors) for review and written response within ten (10) days upon their receipt.⁴ Upon receipt of said parties' written response(s), or the date they were due if none were submitted, the Title IX Coordinator will have ten (10) days to complete and send an investigative report that fairly summarizes the relevant evidence to each party (and Advisor) for their review and written response within ten (10) days upon their receipt. Within ten (10) days of receipt, the Title IX Coordinator shall review the responses (if any) and prepare and submit the final investigative report including all relevant evidence (and including a section denoting all evidence submitted that was found by the Title IX Coordinator not to be relevant) to the Decision Maker; simultaneously, the Title IX Coordinator shall notice all parties of a hearing date that shall take place no later than ten (10) days later. Any request by a party to extend a deadline established under this Procedure shall be presented in writing to the Title IX Coordinator.

Step 2 – Hearing

The Title IX Coordinator (or designee) will be responsible for coordinating the hearing process. The Decision Maker shall be responsible for conducting the hearing. The duties of the Title IX Coordinator will include: scheduling the hearing; notifying the parties, advisors, and witnesses of the hearing; ensuring that the trained Decision Maker is provided with appropriate materials including a copy of the final investigative report and any exhibits; coordinating videoconferencing (if necessary); and securing a location for the hearing. The Title IX Coordinator will also act as liaison between the parties and the Decision Maker on procedural matters. A hearing is conducted in private. If a Respondent or Complainant has a good faith belief that the individual selected as the Decision Maker has a specific bias or conflict of interest, they may file a request with the Title IX Coordinator (or in instances where the Title IX Coordinator is serving as the Decision Maker, the request shall be directed to the individual selected as the designee in Step 1 - Investigation) for a replacement within two (2) calendar days of being noticed of the Decision Maker's identity. The Title IX Coordinator (or designee) shall review the request and make a decision in no more than three (3) calendar days either granting the request or providing reasons for denying the request. All procedural questions are subject to the final decision of the Decision Maker.

In general, hearings will proceed as follows:

a. The Decision Maker⁵ shall summarize the Hearing Policy and allow the Title IX Coordinator the opportunity to briefly state the allegations and summarize the investigative report.

³ A College cannot access or use a party's medical, psychological or similar treatment record unless it obtains the party's voluntary, written consent to do so.

⁴ All parties (and their Advisors) are strictly prohibited from disseminating any of the evidence subject to inspection and review, or from using such evidence for any purpose unrelated to the Title IX Sexual Harassment Complaint Process.

⁵ A College's Title IX Coordinator, Decision Maker, investigators and any college-chosen advisor must receive training on this Policy, issues of relevance, and how to apply the rape shield protections (*see first paragraph of Hearing Policy*) provided only for Complainants.

- b.** Each party’s advisor will be given the opportunity to question the other party and any witnesses by presenting questions to the Decision Maker (including questions on credibility). If the Decision Maker determines a questions is relevant, the other party will be asked to respond.
- c.** The Decision Maker shall have a final opportunity to question the parties.
- d.** The Decisions Maker will conclude the hearing by informing the parties that they will issue a decision to the parties and their advisors within ten (10) days, and that it will be based upon a Preponderance of the Evidence standard (i.e.; more likely than not).

Hearing Policy

Questions and evidence about a Complainant’s prior sexual behavior will be deemed irrelevant unless offered to prove that someone other than the Respondent committed the alleged misconduct or offered to prove consent.

If a party does not have an advisor present at the live hearing, the College will choose a trained member of the community, to conduct cross examination on behalf of that party. All advisors are limited to active participation in the question and follow-up cross-examination part of the live hearing. Further, Advisors are the only parties allowed to present questions (cross-examination or otherwise) to the Decision Maker.

Generally, live hearings may be conducted with all parties physically present in the same geographic location. At the request of either party, the College must provide for the live hearing to occur with the parties located in separate rooms with technology enabling the Decision Maker and parties to simultaneously see and hear the party or the witness answering questions.

Only relevant questions or cross-examination questions may be asked of a party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the Decision-Maker must first determine whether the question is relevant and explain to the party’s Advisor asking cross-examination questions any decision to exclude a question as not relevant. If a party or witness does not submit to cross-examination at the live hearing, the decision-maker(s) must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party’s or witness’s absence from the live hearing or refusal to answer cross-examination or other questions.

Formal rules of evidence applied in courtroom proceedings (e.g., Massachusetts Evidence Code) do not apply in the hearing. The Decision Maker will make an official audio recording of the hearing. The recording is College property. No other recording of the hearing is permitted. The audio recording will be retained by the Title IX Coordinator in accordance with the College’s records/information retention and disposition schedule. Access to the recording will be made available to the parties for inspection and review, however, parties are prohibited from making any copies of such recording. The recording shall only be released in compliance with applicable discovery proceedings in any future legal/administrative proceedings. The Decision Maker controls the hearing, is responsible for maintaining order during the hearing, and makes whatever rulings are necessary to ensure a fair hearing. The Decision Maker's decisions in this regard are final.

Step 3 – Review and Decision by the Decision Maker

The Decision-Maker must issue a written determination regarding responsibility to all parties (and their Advisors) simultaneously, within ten (10) days of the hearing. The written determination must include — Identification of the allegations potentially constituting sexual harassment; A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held; Findings of fact supporting the determination; Conclusions regarding the application of the College’s code of conduct to the facts; A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the College imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the College’s education program or activity will be provided by the College to the Complainant; and The College’s procedures and permissible bases for the Complainant and Respondent to appeal. The determination regarding responsibility becomes final either on the date that the College provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely. The Title IX Coordinator is responsible for effectuating any remedies including referral to appropriate College administrators as may be applicable.

Step 4 – Appeal to the President

A party who is not satisfied with the Title IX Coordinator’s decision to implement an emergency removal or dismiss a Formal Complaint; or, the Decision Maker’s written decision may file an appeal with the President within five (5) days of receiving said decision, respectively on the following bases: procedural irregularity that affected the outcome of the matter, newly discovered evidence that could affect the outcome of the matter, and/or that any Title IX personnel (including the Decision Maker) had a conflict of interest or bias, that affected the outcome of the matter. Where practicable, within five (5) days of receiving the appeal, the President shall issue a written decision simultaneously to all parties, accepting, rejecting or modifying the decision, describing the result of the appeal and the rationale for the result. The President’s decision is final provided that any corrective action and/or discipline imposed are subject to applicable collective bargaining agreements. If the President is the Respondent, then the Chair of the College’s Board of Trustees shall consider the appeal and issue the written decision.

APPENDIX A – TITLE IX SEXUAL HARASSMENT COMPLAINT FORM

TITLE IX SEXUAL HARASSMENT COMPLAINT FORM

The purpose of this form is to record information required to initiate an investigation into an alleged violation of the College’s Title IX Sexual Harassment Policy. All reasonable efforts will be made to maintain the confidentiality of the parties involved during the process in accordance with the Affirmative Action Policy.

It is unlawful to retaliate against a student, employee or any other person in the College for filing a complaint or for cooperating in an investigation of a complaint. All parties to a complaint may have an advisor (for union employees this may be a union representative) assist them throughout the process.

Date Filed: _____ Date(s) of Alleged Discrimination: _____

A. Name (Print): _____

B. Check One: Student: _____ Employee: _____

Department/Division: _____

C. Type of alleged discrimination or act meets Title IX Sexual Harassment⁶ as defined in the Affirmative Action Policy: _____ (Check here if yes)

*If sexual violence is alleged, specify type as defined under this Policy: _____

D. Name of individual(s) you believe discriminated against you: _____

E. List any witnesses: _____

⁶Title IX regulations require institutions of higher education to implement a policy to address sexual harassment/sexual violence as specifically defined by the U.S. Department of Education. Accordingly, Formal Complaints of Title IX Sexual Harassment will be subject to review in accordance with the Title IX Sexual Harassment Complaint Process (*Section L, III.*). Notwithstanding, the College reserves the right to address all complaints of sexual harassment/sexual violence under the Complaint Process (*Section L, II.*).

APPENDIX B - NOTICE TO RESPONDENT (RE FORMAL COMPLAINT)

College Letterhead

To: _____, Responding Party

From: _____, (Title of College Official)

Subject: Title IX Sexual Harassment Formal Complaint

Date: _____

This is to notify you that on _____ a complaint alleging a violation of the College's Policy on Affirmative Action was filed against you with the College. A copy of the Formal Complaint is attached, as is a copy of the Title IX Sexual Harassment Complaint process. Within five (5) days of your receipt of this notice, please submit to me a written response to this Formal Complaint.

I will be contacting you to schedule an appointment to discuss this matter. Please be advised that it is unlawful to retaliate against a student, employee or any other person for filing a complaint or for cooperating in an investigation related thereto.

All reasonable efforts will be made to maintain confidentiality during this process in accordance with the Policy on Affirmative Action. Further, if any disciplinary sanctions are imposed as a result of an investigation under this Policy, all such sanctions shall be regarded as an administrative action subject to all terms and conditions of applicable collective bargaining agreements.

All questions concerning this matter should be addressed to the College official referenced above. Further, all parties to a complaint may have an advisor (for union employees this may be a union representative) assist them throughout the process.

APPENDIX C - DEFINITIONS

DEFINITIONS

ADVISOR: A single person of the Complainant's/Respondent's choice, who may be but is not required to be an attorney (for union employees this may be a union representative), who may be present in any meeting or proceeding prescribed by this Policy, and who may inspect and review evidence. It is the advisor's responsibility to conduct cross-examination during the hearing if the Title IX Sexual Harassment Process is being used. The advisor's role is otherwise strictly limited to providing direct assistance to the party that they advise.

COMPLAINT: A written or verbal complaint alleging a violation of the Affirmative Action Policy, other than a Formal Complaint.

COMPLAINT PROCESS: The process used to address all Complaint's alleging a violation of the Affirmative Action Policy, other than a Formal Complaint of Title IX Sexual Harassment.

COMPLAINANT: The student(s) or employee(s), or applicant for admission or employment, filing the complaint. In cases involving Title IX, this is an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

CONFIDENTIAL REPORTING RESOURCES:

Persons who have experienced prohibited forms of sexual harassment under this Affirmative Action Policy may share information confidentially with designated employees ("Confidential Employees") who cannot reveal identifying information to any third party unless one or more of the following conditions is present:

- the individual has provided written consent to disclose information;
- there is a concern about imminent harm to self or others;
- the information concerns the neglect or abuse of someone who is a minor, elderly, or disabled; or
- an employee is responsible for providing non-identifiable information for purposes of the Clery Act.

"Confidential Employees" include:

- licensed mental health counselors;
- licensed health care personnel; and
- other employees as designated by each College.

A list of Confidential Employees shall be posted at each College.

Please bear in mind, however, that if one requests certain supportive measures from the College (e.g., extension for academic work or changing classes, residence halls or work locations), other College officials may be contacted only for the purpose of providing the requested measures. In such cases, one's privacy will be maintained to the extent that respecting confidentiality will not impair the College's ability to provide the requested measures. One may also confidentially report

any form of sexual harassment, sexual assault, domestic violence, dating violence, stalking, and/or retaliation as well as other forms of sexual violence and gender-based harassment to community support resources, which are not required to share information with the College.

CONSENT: “Consent” must be informed, voluntary, and mutual, and can be withdrawn at any time. There is no consent when there is force, expressed or implied, or when coercion, intimidation, threats, or duress is used. Whether a person has taken advantage of a position of influence over another person may be a factor in determining consent. Silence or absence of resistance does not imply consent. Past consent to sexual activity with another person does not imply ongoing future consent with that person or consent to that same sexual activity with another person.

If a person is mentally or physically incapacitated or impaired so that such person cannot understand the fact, nature, or extent of the sexual situation, there is no consent; this includes impairment or incapacitation due to alcohol or drug consumption that meets this standard, or being asleep or unconscious.

DAY: As used in this policy, shall mean a calendar day.

DECISION MAKER: An individual who is not the same person as the Title IX Coordinator (or designee), chosen by the Title IX Coordinator to reach a determination regarding responsibility by applying the standard of evidence the College has designated in the College’s complaint procedures for use in all Formal Complaints of Title IX Sexual Harassment.

FORMAL COMPLAINT: Formal Complaint means a document signed by a Complainant or signed by the Title IX Coordinator alleging Title IX Sexual Harassment against a Respondent about conduct within [the College’s] education program or activity and requesting initiation of the [College’s] complaint procedures, [including an investigation of] the allegation of Title IX Sexual Harassment. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the College with which the Formal Complaint is filed. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed for the Title IX Coordinator, and by any additional method designated by the College. As used in this definition the phrase “document filed by a Complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the College) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint.

INSTRUCTIONAL PERIOD: The academic semester, summer session or intersession when a Complainant knows or should have known of an act or inaction in violation of this Policy. The Instructional Period shall end on the last day of final exams.

PREPONDERANCE OF EVIDENCE: The evidentiary standard used in resolving all complaints filed under this Policy’s Complaint Procedures. The standard is met if the proposition is more likely to be true than not true (i.e.; more probable than not). Effectively, the standard is satisfied if there is greater than 50 percent chance that the proposition is true.

PROHIBITED CONDUCT: The following conduct is prohibited under this policy:

1. **Gender-Based Harassment:** Unwelcome conduct of a nonsexual nature based on a student's actual or perceived sex, including conduct based on gender identity, gender expression, and nonconformity with gender stereotypes, where:
 - a. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education; and/or
 - b. submission to, or rejection of, such conduct by an individual is used as a basis for academic or employment decisions affecting that individual; and/or
 - c. such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating an intimidating, hostile, or offensive employment, educational, or living environment based on gender.

4. **Retaliation:** Taking adverse employment or educational action against a person who files claims, complaints or charges under these procedures, or under applicable local, state or federal statute, who is suspected of having filed such claims, complaints or charges, who has assisted or participated in an investigation or resolution of such claims, complaints or charges, or who has protested practices alleged to be violative of the non-discrimination policy of the College, the BHE, or local, state or federal regulation or statute. Retaliation, even in the absence of provable discrimination in the original complaint or charge, constitutes as serious a violation of this Policy as proved discrimination under the original claim, complaint or charge.

Examples of behavior that may constitute retaliation, include, but are not limited to:

- a. Terminating an employee for expressing an intention to file or for filing a charge of discrimination.
- b. Refusing to hire an employee due to the employee's pursuit of a discrimination charge against a former employer.
- c. Denying a promotion to an employee for complaining to anyone about alleged discrimination or harassment.
- d. Refusing tenure to a faculty member for filing a complaint of discrimination or harassment pursuant to the Discrimination Complaint Procedures.
- e. Issuing an unjustified negative evaluation to an employee for testifying in a legal proceeding concerning a complaint of discrimination, harassment or retaliation.
- f. Assigning a student an unearned, poor grade for requesting a reasonable course accommodation based on religion.
- g. Assigning a student an unearned, failing grade for cooperating with an internal investigation of alleged discriminatory practices or a complaint of discrimination or harassment.
- h. Refusing to admit a student for requesting a reasonable accommodation based on disability in the admission process.
- i. Refusing to hire a job applicant for requesting a reasonable accommodation based on disability in the application process.

Members of the academic community should not assume that any of the forms of speech described above are protected by the principles of academic freedom or the First Amendment to the United States Constitution.

5. Title IX Sexual Harassment

Title IX regulations require institutions of higher education to implement a policy to address sexual harassment, which shall include sexual violence, as specifically defined by the U.S. Department of Education. Accordingly, Formal Complaints of Title IX Sexual Harassment will be subject to review in accordance with the Title IX Sexual Harassment Complaint Process (*found herein at Section L., III.*). Notwithstanding, where a Formal Complaint of Title IX Sexual Harassment is not filed, the College reserves the right to address such other complaints under the Complaint Process (*found herein at Section L., II.*) and using the definitions of sexual assault, dating violence, domestic violence or stalking as provided herein under paragraph 5 (3.)(A-D) or the sexual harassment definition as provided herein under paragraph 6.

“Title IX Sexual Harassment” for purposes of Title IX and this Policy means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the College conditioning the provision of an aid, benefit, or service on another employee’s or student’s participation in unwelcome sexual conduct (“quid pro quo” harassment by an employee); or
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to a College education program or activity; or
3. Any instance of sexual assault (as defined in the Clery Act (20 U.S.C. 1092(f)(6)(A)(v)), dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA)(34 U.S.C. 12291 *et. seq.*) (for ease of reference the definitions as they appear in those laws are provided below):

(A) Sexual assault means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation including:

- (i) Rape, defined as the carnal knowledge of a person, without the consent of the person, including instances where the person is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity;
- (ii) Sodomy is oral or anal sexual intercourse with another person, without the consent of the person, including instances where the person is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity;
- (iii) Sexual Assault With An Object, defined as the use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the person, including instances where the person is incapable of giving consent because of his/her youth or because of age or because of temporary or permanent mental or physical incapacity;

- (iv) Fondling, defined as the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the person, including instances where the victim is incapable of giving consent because of his/her youth or because of of age or because of temporary or permanent mental or physical incapacity;
- (v) Incest, defined as nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law;
- (vi) Statutory Rape, defined as nonforcible sexual intercourse with a person who is under the statutory age of consent.

(B) Dating violence means violence committed by a person--

(i) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (ii) where the existence of such a relationship shall be determined based on the consideration of the following factors:

- a) The length of the relationship;
- b) The type of relationship;
- c) The frequency of interaction between the persons involved in the relationship;

(C) Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitation with the victim as a spouse or intimate partner, by a person similarly situation to a spouse of the victim under the domestic or family violence laws of the jurisdiction, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family laws of the jurisdiction;

(D) Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to--(i) fear for their own safety or the safety of others; or (ii) suffer substantial emotional distress.

6. Sexual Harassment:

When a Formal Complaint of Title IX Sexual Harassment is not filed, and therefore the Title IX Sexual Harassment Complaint Process (*found herein at Section L., III.*) is not activated, the College reserves the right to address such other complaints of sexual harassment/sexual violence under the Complaint Process (*found herein at Section L., II.*) by using the above-mentioned definitions of sexual assault, dating violence, domestic violence or stalking under paragraph 5 (3.)(A-D), or by using the following definition of sexual harassment.

Sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- a. submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment or academic decisions; or

- b. such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's academic or work performance by creating an intimidating, hostile, humiliating or sexually offensive learning or working environment.

Under these definitions, direct or implied requests by a supervisor or instructor for sexual favors in exchange for actual or promised job or academic benefits constitute sexual harassment. The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a work or educational environment that is hostile, offensive, intimidating, or humiliating to another may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances, including the severity of the conduct and/or its pervasiveness:

- a. Unwelcome sexual advances - whether they involve physical touching or not.
- b. Repeated, unsolicited propositions for dates and/or sexual intercourse.
- c. Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess.
- d. Displaying sexually suggestive objects, pictures, cartoons.
- e. Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments.
- f. Verbal harassment or abuse on the basis of sex.
- g. Inquiries into another person's sexual activities, practices or experiences.
- h. Discussion of one's own sexual activities, practices or experiences.

RESPONDENT OR RESPONDING PARTY: The person against whom a complaint is directed, including an individual who has been reported to be the perpetrator of conduct that could constitute Title IX Sexual Harassment.

RESPONSIBLE EMPLOYEES: Allegations involving sex discrimination, sexual harassment, sexual violence, stalking, domestic and dating violence, shall be reported by all "Responsible Employees" to the Title IX coordinator or official designee as soon as the employee becomes aware of it. A Responsible Employee includes any College employee: who has the authority to take action to redress these offenses; who has been given the duty of reporting to the Title IX Coordinator or other appropriate school designee; or whom a student could reasonably believe has this authority or duty. Responsible Employees shall include, but are not be limited to, College trustees, administrators, department chairs, program coordinators, campus police, club/activity advisors, coaches, managers or supervisors.

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCESS: The process used to address Formal Complaints of Title IX Sexual Harassment.

TITLE IX COORDINATOR: A College employee assigned the responsibility for maintaining the College's compliance with Title IX. The Title IX Coordinator is responsible for administering this Policy the Title IX Sexual Harassment Policy and its Title IX Sexual Harassment Complaint Process. The Title IX Coordinator may also serve as the College's Affirmative Action Officer. If these positions are held by different individuals, the AAO and the Title IX Coordinator may collaborate on the enforcement of any aspect of this Policy. The Title IX Coordinator should not have other job responsibilities that may create a conflict of interest. For example, serving as the Title IX Coordinator and a disciplinary hearing board member or general counsel may create a conflict of interest. There may also be a Deputy Title IX Coordinator designated to assist the Title IX Coordinator in the performance of his/her duties. The College's Title IX Coordinator is Peter Sennett, Vice President of Human Resources & Payroll and can be contacted at (978) 630-9160 .