

Curry College Title IX Policy Prohibiting Sexual Harassment and Discrimination

I. Institutional Values and Statement of Non-Discrimination

Curry College is committed to providing equal opportunity in employment and education to all employees, students, and applicants. No employee, student or applicant shall be discriminated against or harassed on the basis of race, religion, color, sex, age, ethnic or national origin or ancestry, veteran status, physical or mental disability, pregnancy, sexual orientation, gender identity or expression, genetic information, veteran or military status, membership in Uniformed Services, or any category protected by applicable state and federal laws. Similarly, Curry College is committed to making its programs and campus accessible to its visitors and compliant with all applicable non-discrimination laws.

Sexual harassment, including sexual violence, is a form of sex discrimination that is illegal under both federal and Massachusetts state law, including Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Violence Against Women Act, Massachusetts General Laws chapter 151B, § 4, Massachusetts General Laws chapter 151C, § 2, and Massachusetts General Laws chapter 214, § 1C. Furthermore, conduct prohibited under this policy is incompatible with the values and mission of Curry College and will not be tolerated.

II. Purpose and Scope

The College fully supports the right of all persons to hold employment and receive education without suffering unlawful discrimination, harassment or retaliation. The Title IX Sexual Harassment and Discrimination Policy prohibits sexual harassment and discrimination, including but not limited to, sexual harassment (including *quid pro quo* and hostile environment), sexual assault, dating violence, domestic violence and stalking. It also prohibits retaliation against an individual for making a report of conduct prohibited under this policy or for participation in an investigation of an alleged violation of this policy.

This policy applies to all students and employees only in the following circumstances:

1. Complaint:
Prohibited Conduct as defined in Section IV. below is reported; and
2. Location:
The conduct occurred within an educational program or activity controlled by the College (including buildings or property controlled by recognized student organizations), and against a person in the United States; and
3. Respondent:

The College has control over the Respondent, meaning the Respondent is a student (from the time of acceptance to the College, and continuing after admission to matriculation and enrollment) or employee (including hired but not yet working, or employed); and

4. Complainant:

At the time of filing a formal complaint, the Complainant is participating in or attempting to participate in an education program or activity of the College.

The Office of Human Resources may address alleged violations of College policy that fall outside the scope of this policy and which are made against an employee, a visitor to an employee, or a vendor. The applicable procedures can be found in the Employee Handbook.

The Office of Community Standards & Accountability may address alleged violations of College policy that fall outside the scope of this policy and which are made against a student of the College or a visitor to a student. The applicable procedures can be found in the Student Handbook.

III. Academic Freedom

Nothing contained in this policy shall be construed to limit the legitimate and reasonable academic responsibilities and academic freedoms of the College's professional educators. Conduct believed to be offensive, on its own, is not sufficient to constitute a violation of this policy.

IV. Prohibited Conduct under this Policy

A. Sexual Harassment

Sexual Harassment, as an umbrella category, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as:

Conduct on the basis of sex that satisfies one or more of the following:

1) Quid Pro Quo:

- a. an employee of the College,
- b. conditions the provision of an aid, benefit, or service of the College,
- c. on an individual's participation in unwelcome sexual conduct; and/or

2) Sexual Harassment:

- a. unwelcome conduct,
- b. determined by a reasonable person,
- c. to be so severe, and
- d. pervasive, and,
- e. objectively offensive,
- f. that it effectively denies a person equal access to the College's education program or activity.

Examples of sexual harassment may include, but are not limited to:

- Repeated offensive sexual flirtations, advances or propositions;
- Verbal abuse or innuendo of a sexual nature which is continued or repeated;
- Physical contact such as touching, hugging, patting or pinching which is uninvited and unwanted by the other person;
- Offensive verbal comments of a sexual nature about an individual's body or sexual terms used to describe an individual;
- An open display of sexually suggestive objects or pictures if people find them offensive;
- Jokes or remarks of a sexual nature if people find them offensive;
- Unwanted prolonged and apparent staring or leering at a person;
- Obscene gestures or suggestive or insulting sounds made towards people who find them offensive;
- The demand for sexual favors accompanied by an implied or overt threat concerning an individual's employment status or educational status or promises of preferential treatment;
- Direct or implied requests for sexual favors in exchange for actual or promised favorable evaluations of course requirements, or favorable recommendations for position or benefits within or outside the College Community;
- **Sexual Exploitation**

Sexual Exploitation is purposely or knowingly taking sexual advantage of another person without consent. Examples of sexual exploitation include, but are not limited to:

- Obscene or indecent behavior, including exposure of one's sexual organs or the display of offensive sexual behavior;
- Deliberate observation of others (including letting others hide for observation) for sexual purposes without their consent;
- Taking, posting, displaying, or disseminating pictures, video or audio of another person's intimate body parts, or another person engaged in sexual activity or in a state of undress without that person's consent;
- Possession or distribution of illegal pornography.
- Prostitution.
- Knowingly exposing another person to a sexually transmitted infection or virus without the other's knowledge.
- Providing someone with alcohol or drugs (such as "date rape" drugs), with or without that person's knowledge, for the purpose of making the person vulnerable to non-consensual sexual activity.

In evaluating allegations of sexual harassment, the allegations are evaluated from both a subjective and objective perspective considering the totality of the circumstances.

3) Sexual assault, defined as:

- a) Sex Offenses, Forcible:
 - i) Any sexual act directed against another person,
 - ii) without the consent of the Complainant,
 - iii) including instances in which the Complainant is incapable of giving consent.
 - b) Forcible Rape:
 - i) Penetration,
 - ii) no matter how slight,
 - iii) of the vagina or anus with any body part or object, or
 - iv) oral penetration by a sex organ of another person,
 - v) without the consent of the Complainant.
 - c) Forcible Sodomy:
 - i) Oral or anal sexual intercourse with another person,
 - ii) forcibly,
 - iii) and/or against that person's will (non-consensually), or
 - iv) not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
 - d) Sexual Assault with an Object:
 - i) The use of an object or instrument to penetrate,
 - ii) however slightly,
 - iii) the genital or anal opening of the body of another person,
 - iv) forcibly,
 - v) and/or against that person's will (non-consensually),
 - vi) or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
 - e) Forcible Fondling:
 - i) The touching of the private body parts of another person (buttocks, groin, breasts),
 - ii) for the purpose of sexual gratification,
 - iii) forcibly,
 - iv) and/or against that person's will (non-consensually),
 - v) or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
 - f) Sex Offenses, Non-forcible:
 - i) Incest:
 - 1) Non-forcible sexual intercourse,
 - 2) between persons who are related to each other,
 - 3) within the degrees wherein marriage is prohibited by Massachusetts law.
 - ii) Statutory Rape:
 - 1) Non-forcible sexual intercourse,
 - with a person who is under the statutory age of consent, which is 16 in Massachusetts.
- 4) Dating Violence, defined as:
- a. violence,

- b. on the basis of sex,
- c. committed by a person,
- d. who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
 - i. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition—
 - ii. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - iii. Dating violence does not include acts covered under the definition of domestic violence.

5) Domestic Violence, defined as:

- a. violence,
- b. on the basis of sex,
- c. committed by a current or former spouse or intimate partner of the Complainant,
- d. by a person with whom the Complainant shares a child in common, or
- e. by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
- f. by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Massachusetts or
- g. by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Massachusetts.

*To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

6) Stalking, defined as:

- a. engaging in a course of conduct,
- b. on the basis of sex,
- c. directed at a specific person, that
 - i. would cause a reasonable person to fear for the person's safety, or
 - ii. the safety of others; or
 - iii. Suffer substantial emotional distress.

For the purposes of this definition—

- (i) Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- (ii) Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
- (iii) Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

B. Effective Consent

Effective consent is informed, knowing and voluntary. The College defines effective consent as mutually understandable words or actions which indicate willingness to participate in mutually agreed-upon sexual activity. Effective Consent cannot be given by minors (in Massachusetts, those not yet sixteen (16) years of age). Effective Consent cannot be given by individuals who have a mental disability that results in their being unable to provide informed, knowing and voluntary consent. Effective Consent cannot be given by those who are unconscious, unaware or otherwise physically helpless. Consent obtained as a result of physical force, threats, intimidation (implied threats), duress or coercion is not Effective Consent. A person who knows or should reasonably have known that another person is incapacitated may not engage in sexual activity with that person, and there can be no Effective Consent in such situations. Effective Consent cannot be given by those who are incapacitated as a result of alcohol or other drug consumption (voluntary or involuntary). In addition, incapacitation may result from mental disability, sleep, or involuntary physical restraint, and there can be no Effective Consent in such situations.

C. Incapacitation

The College defines incapacitation as a state where an individual cannot make rational, reasonable decisions because the individual lacks the capacity to giving knowing consent, and/or as a state where one cannot make a rational, reasonable decision because the individual lacks the ability to understand the who, what, when, where, why or how of their sexual interaction. Consent to one form of sexual activity does not imply consent to other forms. Consent may be given for specific sexual activities and not for others. Consent at one time, including prior intimate partner or physical relationships does not imply future consent. Silence does not constitute consent and may indicate that something is wrong and the potential for sexual misconduct exists. The use of alcohol or other drugs does not constitute a defense for the failure of a person who initiates sexual activity to obtain effective consent.

D. Retaliation

Retaliation against any individual for reporting in good faith acts of discrimination or harassment, or for assisting in an investigation of or providing information related to a report of discrimination or harassment, is strictly prohibited by federal and state laws and regulations and will not be tolerated. Retaliatory acts constitute a violation of the law and this Policy and may include, but are not limited to, intimidating, threatening, or taking adverse actions against an individual for attempting to or bringing forward a good faith complaint of discrimination or harassment, or for assisting in an investigation or providing information related to a report of discrimination or harassment. Engaging in retaliatory acts, including the continuation or recurrence of harassment or discrimination (directly or through a third party), is a violation of law and this Policy and will result in disciplinary action. The College's investigation of reported acts of retaliation shall proceed independent of the College's investigation of the related report(s) of discrimination or harassment.

Any suspected retaliation should be reported immediately to the Title IX Coordinator as circumstances warrant.

E. Complicity

Complicity is any act taken with the purpose of aiding, facilitating, promoting or encouraging the commission of a violation of this policy by another person.

V. Options for Reporting Prohibited Conduct

Individuals who have experienced sexual harassment or discrimination are encouraged to report the misconduct to the College or to local law enforcement. These options are not mutually exclusive – you do not need to choose one option over the other. Internal reports and criminal reports can be made simultaneously or at different times. There is no time limit for filing a report with the College; however, individuals are encouraged to report misconduct as soon as possible in order to maximize the College's ability to respond promptly and effectively.

The College encourages all individuals to seek assistance from a medical provider and/or law enforcement immediately after an incident of sexual violence. This is the best option to ensure preservation of evidence and to begin a timely investigation, outside of the College's process.

A. Reporting to Law Enforcement

Conduct that violates this policy may also constitute a violation of law. For immediate safety assistance, an individual can dial 911 or contact Curry College Public Safety. The Department of Public Safety can assist in making a criminal report to local law enforcement. To report potential criminal conduct to local law enforcement, contact information is below. Additionally, the Department of Public Safety can provide information about the process for seeking court ordered civil restraining orders or harassment protection orders.

Emergencies	911
Curry College Public Safety	(617) 333-2222 940 Brush Hill Road, Milton, MA 02186
Milton Police Department	(617) 698-3800 40 Highland Street, Milton, MA, 02186
Plymouth Police Department	(508) 830-4218 20 Long Pond Rd., Plymouth, MA 02360

B. Reporting to the College

The following individuals are trained and designated to receive and respond to allegations of violations of the policy:

Title IX Coordinator:
Rachel King
55 Atherton St.
Rachel.King@curry.edu
617-979-3516

Deputy Title IX Coordinator:
Jennifer Golojuch-Borden
Associate Vice President for Student Affairs & Dean of Students
1016 Brush Hill Road
Jennifer.golojuchborden@curry.edu
617-391-5240

Making a report of prohibited conduct under this policy involves telling an employee of the College (with the exception of those designated as “confidential,” referenced in Section VII.), also known as “mandated reporters,” what occurred. While reported misconduct must be relayed to the Title IX Coordinator, individuals wishing to make a complaint can speak directly to one of the above Coordinators or any mandated reporter. Additionally, a number of staff and faculty across campus have been trained as Liaisons, serving as a resource to members of the College community. These Liaisons participate in annual training and are knowledgeable about College policies, procedures, resources and reporting obligations.

Upon receipt of a report, the Title IX Coordinator, or designee, will promptly contact the Complainant and provide information about the availability of supportive measures and information about the process for filing a formal complaint. Information about filing a formal complaint can be found in Appendix A.

VI. Confidentiality and Employee Reporting Obligations

A number of different resources and reporting options are available to those who have experienced sexual harassment or discrimination. It is important to understand, however, that these resources offer varying degrees of confidentiality and reporting obligations, as outlined below.

Employee Reporting Responsibilities. All College employees (faculty and staff) must promptly notify the Title IX Coordinator about possible sexual harassment, with limited exceptions. On-campus resources who can maintain confidentiality, and are therefore not required to report discrimination or harassment to the Title IX Coordinator, are those employed at the Counseling Center and Health Services.

Adherence to this reporting obligation ensures that the College can connect affected individuals with appropriate resources and services; track incidents and identify patterns; and, where appropriate, take steps to protect the College community.

All actions taken to investigate and resolve complaints shall be conducted with as much privacy and discretion as possible without compromising the thoroughness and fairness of the investigation. The College will not disclose the identity of a complainant or respondent, except as necessary to carry out a disciplinary process or as permitted under state or federal law. All persons involved are to treat the situation with respect and as confidentially as possible. To conduct a thorough investigation, the Investigator(s) and/or Title IX Coordinator may discuss the complaint with witnesses and those persons involved in or affected by the complaint, and those persons necessary to assist in the investigation or to implement appropriate remedial action.

Complainant Requests Not to Investigate. A Complainant may request that the College not investigate or pursue resolution of a report or may request that their name not be disclosed. This can limit the College's ability to respond fully to the reported misconduct and pursue disciplinary action against the Respondent. Such requests should be made to a Title IX Coordinator and will be balanced with the College's responsibility and legal obligation to provide a safe and non-discriminatory environment for all members of the College community.

The College will respect the Complainant's right not to participate in an investigation, but may continue an investigation in order to meet its responsibility and legal obligation to provide a safe and non-discriminatory environment for all members of the Curry community. In such cases, the College will consult with the Complainant and keep the Complainant informed about the chosen course of action. The College may determine that it must investigate and pursue resolution of a report. An individual who initially requests anonymity or who requests that the College not investigate or pursue resolution may later request that the College investigate and pursue resolution.

Clery Act Reporting. In accordance with the Clery Act and the Violence Against Women Act (VAWA), statistical information regarding certain offenses will be included in the College's annual safety and security report in a manner that does not include any personally identifiable information. All employees who are designated as Campus Security Authorities for the purposes of the Clery Act must immediately provide non-identifying statistical information regarding all reported incidents of sexual assault, dating violence, domestic violence, and stalking.

All personally identifiable information is kept private, but statistical information is passed along to the College's Department of Public Safety by the Title IX Coordinator regarding the type of incident and its general location (on or off-campus or in the surrounding area, but no addresses are given) for publication in the Annual Security Report and daily campus crime log. Campus Security Authorities include: student affairs/student conduct staff, Public Safety, local police, coaches, athletic directors, residence life staff, student activities staff, human resources staff, advisors to student organizations, and any other official with significant responsibility for student and campus activities.

In addition, College administrators will issue timely warnings for incidents reported that pose a serious and ongoing threat to the safety of the campus community.

VII. Accessing Resources and Supportive Measures

B. Confidential Resources

If a student or employee wants to speak with a confidential resource, trained staff are available on and off-campus. Help and support is available to those who want to talk in detail about an incident, but are not sure if they are ready or interested in reporting to the College or law enforcement.

Emotional Support

On-campus: Counseling Center (617) 333-2182 (8:30-4:30)
(For students) Wellness Center, 1016 Brush Hill Road, Milton, MA 02186

Counselor-on-call after hours via Public Safety (7 days a week) (617) 333-2222

Off-campus: A New Day victim advocates (a program of Health Imperatives)
24-hour hotline (508) 588-8255
950 W. Chestnut St., Brockton, MA 02301

DOVE – Domestic Violence Ended
24-hour hotline (617) 471-1234
P.O. Box 690267, Quincy, MA 02269

(For employees) If an employee wants to speak with a confidential resource, Life Assistance Program through Cigna Behavioral Health (available to employees) is a free confidential service available to all employees and their household members. Services are available to assist 24 hours a day, 7 days a week for support.

Life Assistance Program: (800) 538-3543

Services available include face-to-face visits with a network provider for behavioral issues, telephonic support for work/life concerns and crisis support).

In cases of physical violence and/or sexual misconduct, the College encourages individuals to seek medical care, which also offers the best option to ensure the preservation of evidence.

Medical Care

On-campus: Health Services (617) 333-2182 (8:30-4:30)
(For students) Wellness Center, 1016 Brush Hill Road, Milton, MA 02186

Off-campus: Milton Hospital (617) 696-4600
199 Reedsdale Road, Milton, MA 02186
(Transportation available via Public Safety (617) 333-2222)

Beth Israel Deaconess Medical Center (617) 667-7000
330 Brookline Ave, Boston, MA 02215

Plymouth Campus: Beth Israel Deaconess Hospital - Plymouth (508) 746-2000
275 Sandwich St, Plymouth, MA 02360

C. Amnesty

The College encourages reporting of sexual harassment and discrimination and seeks to remove any barriers to reporting. The College recognizes that a reporting party who has been drinking or using drugs at the time of an incident may be hesitant to make a report because of potential disciplinary consequences. Accordingly, students who report sexual misconduct, either as a Complainant or a third party witness, will not be subject to disciplinary action for a violation of the College's student conduct policies related to the incident, unless the College determines that the report was not made in good faith or that the violation was egregious. An egregious violation shall

include, but not be limited to, taking an action that places the health and safety of another person at risk. The College may, however, initiate an educational discussion or pursue other educational remedies regarding alcohol or other drugs.

D. Supportive Measures

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate and reasonably available without fee or charge to the Complainant and Respondent, before or after the filing of a formal complaint, or where no formal complaint has been filed. Supportive measures are designed to balance restoring or preserving access, without unreasonably unburdening the other party. Additionally, they are intended to protect the safety of all parties and/or deter sexual harassment.

Supportive measures include, but are not limited to, counseling, extension of deadlines or other course-related adjustments, modification of work or class schedules, campus escort services, mutual orders of no contact, changes in work or housing locations, leaves of absences, increased security and monitoring of certain area.

The College will maintain the privacy of the supportive measures, provided that privacy does not impair the College's ability to provide the supportive measures. The College will act to ensure as minimal an academic impact on the parties as possible and will implement measures in a way that does not unreasonably burden the other party.

VIII. Prevention and Awareness Programs

In line with the College's commitment to the prevention of prohibited conduct, Curry College provides a variety of ongoing education and awareness programs. New students and employees receive prevention programming when joining the College community and returning students and current employees receive ongoing training and related education.

For more information about the College's available prevention and education offerings, please contact the Title IX Coordinator.

IX. Title IX Coordinator / State and Federal Agencies

Individuals may contact one of the College's Title IX Coordinators to address questions about the conduct prohibited under this policy, including sexual discrimination and harassment. Individuals may also file a complaint for violations of this policy directly with a Title IX Coordinator.

Title IX Coordinator:

Rachel King
55 Atherton Street
Rachel.King@curry.edu
617-979-3516

Deputy Title IX Coordinator:

Jennifer Golojuch-Borden
Associate Vice President for Student Affairs & Dean of Students
1016 Brush Hill Road

Jennifer.golojuchborden@curry.edu
617-391-5240

Deputy Title IX Coordinator:
Vinnie Eruzione
Director of Athletics
Student Center, L-04
veruzion@curry.edu
(617) 333-2202

State and Federal Agencies

In addition to the above, if you believe you have been subjected to unlawful discrimination, harassment or retaliation, you may file a formal complaint with the government agencies set forth below. Using the College's complaint process does not prohibit you from filing a complaint with these agencies.

1. The United States Equal Employment Opportunity Commission ("EEOC")
Boston Area Office:
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
(617) 565-3200
(800) 669-4000
2. Massachusetts Commission Against Discrimination ("MCAD")
Boston Headquarters:
One Ashburton Place, Suite 601
Boston, MA 02108
(617) 994-6000

Worcester Office:
484 Main Street, Room 320
Worcester, MA 01608
(508) 453-9630

Springfield Office:
436 Dwight Street, Room 220
Springfield, MA 01103
(413) 739-2145

New Bedford Office:
800 Purchase Street, Room 501
New Bedford, MA 02740
(508) 990-2390
3. U.S. Department of Education: Office for Civil Rights ("OCR")
5 Post Office Square

8th Floor
Boston, MA 02109-3921
(617) 289-0111

X. Disability Accommodations

Students with a disability seeking an accommodation regarding this Policy should contact the Director of Disability Services at (617) 333-2385, who will review the request and, in consultation with the person requesting the accommodation, and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process. Similarly, employees seeking an accommodation should contact Human Resources at (617) 333-2263.

XI. Interim Action

A. Emergency Removal

Members of the College's Executive Team, acting through the Title IX Coordinator or designee, may impose an interim emergency removal on a Respondent, before or during a grievance process. Such action may be taken when, after an individualized safety and risk analysis, the College has determined that an immediate threat to the physical health or safety of any student or other individual exists. The interim removal may be from the College, from the residence halls, or from specific programs or activities. The Respondent will be notified in writing of the decision and will have the opportunity to challenge the decision immediately following the removal. A Respondent seeking to challenge an Emergency Removal decision may do so by submitting a written appeal using the online form on the Portal (under Student Life: Community Standards for students, and Employees: Human Resources, for employees).

Grounds for appeal include the following:

- i. Procedural irregularity that affected the outcome;
- ii. New evidence that was not reasonably available when the decision regarding an emergency removal was made that could affect the outcome; and
- iii. A College official involved in the decision-making process regarding the emergency removal had a general or specific conflict of interest or bias that impacted the decision to issue an emergency removal.

An appeal reader will provide the Respondent with written notification of the outcome of the appeal. If the appeal is denied, the Emergency Removal will remain in effect.

B. Administrative Leave

The Vice President for Human Resources, or designee, may place an employee, including student employees, on administrative leave prior to or during the grievance process.

XII. Applicable Procedures under this Policy

The specific procedure used in reporting, investigation, and resolving complaints is determined by multiple factors including the following: the complainant's relationship to the College; the Respondent's relationship to the College; the location of the alleged sexual harassment; and if the prohibited conduct alleged meets the definition of sexual harassment as defined in Section IV.

The grievance procedure used for responding to incidents in which a signed formal complaint alleging sexual harassment occurring in the context of Curry College's educational programs or activities is outlined in Appendix A. The Title IX Coordinator will dismiss formal complaints which do not satisfy the requirements outlined therein.

Behavioral allegations that do not satisfy these jurisdictional requirements will be referred to the appropriate offices, including Human Resources and Community Standards & Accountability, for review consistent with applicable College policy (if any).

Specifically, the Office of Human Resources may address alleged violations of College policy that fall outside the scope of this policy and which are made against an employee, a visitor to an employee, or a vendor. The applicable procedures can be found in the Employee Handbook.

The Office of Community Standards & Accountability may address alleged violations of College policy that fall outside the scope of this policy and which are made against a student of the College or a visitor to a student. The applicable procedures can be found in the Student Handbook.

XIII. Record Retention

The College will keep for 7 years, records of:

- Each sexual harassment investigation, including any determination regarding responsibility and any audio or audiovisual recording or transcript; any disciplinary sanctions and/or remedies; any appeal, including the result of the appeal; and any informal resolution and the result therefrom.
- Any supportive measures, taken in response to a report or formal complaint of sexual harassment. If a Complainant was not provided supportive measures, a rationale must be provided as to why supportive measures were not provided.
- All training materials used to train Title IX Coordinators, investigators, decision-makers, and those who facilitate the informal resolution process. The College will make these training materials publicly available on the College's website (www.curry.edu).

XIV. Violations of Massachusetts State Law

Some of the conduct prohibited by this policy may also constitute violations of the law. The following are definitions compiled from the Massachusetts General Laws applicable to certain relevant offenses.

Dating and Domestic Violence

Massachusetts law has no statutory definition of "dating violence" or "domestic violence," but there is a related crime of "domestic abuse" defined as: the occurrence of one or more of the following acts between family or household members: attempting to cause or causing physical harm, placing another in fear of imminent serious physical harm; and causing another to engage involuntarily in sexual relations by force, threat, or duress. Under this law, family or household members include people who are or were married, residing in the same household, related by blood or marriage, have a child together, or have a substantive dating or engagement relationship. See M.G.L. c. 209A, § 1.

Sexual Assault

There is no crime called “sexual assault” in Massachusetts; however, there are related crimes that constitute sexual offenses:

- “Rape,” which is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. Under state law, rape occurs when the offender has “sexual intercourse or unnatural sexual intercourse with a person and compels such person to submit by force and against their will, or compels such person to submit by threat of bodily injury.” *See* M.G.L. c. 265, § 22.
- A sexual assault that does not meet the legal definition of rape may constitute “indecent assault and battery,” which occurs when the offender, without the victim’s consent, intentionally has physical contact of a sexual nature with the victim. *See* M.G.L. c. 265, § 13H.
- “Statutory rape,” which is defined as non-forcible sexual intercourse with a person who is under the statutory age of consent. In Massachusetts the statutory age of consent is 16 years of age. *See* M.G.L., c. 265, §23.

Stalking

Under Massachusetts law, M.G.L., c. 265, §43, an individual engages in stalking if they: 1) willfully and maliciously engages in a knowing pattern of conduct or series of acts over a period of time directed at a specific person which seriously alarms or annoys that person and would cause a reasonable person to suffer substantial emotional distress; and 2) makes a threat with the intent to place the person in imminent fear of death or bodily injury.

Consent

Massachusetts does not have a specific definition for consent in this context. Instead, Massachusetts has several laws that define the age of consent and the additional penalties that attach if a person is under the age of 16 or 14. In Massachusetts, it is illegal to have sex under any circumstances with someone who is incapable of giving consent due to incapacity or impairment; incapacity or impairment may be caused by intoxication or drugs, or because a victim is underage, mentally impaired, unconscious, or asleep.

Appendix A:

Grievance Procedure for Title IX Sexual Harassment

This procedure applies only in certain circumstances, outlined below. The applicable procedures for addressing alleged violations by an employee, a visitor to an employee, or a vendor, that do not meet these criteria, can be found in the Employee Handbook. The applicable procedures for addressing alleged violations by a student or a visitor to a student, that do not meet these criteria, can be found in the Student Handbook.

This procedure applies only to the following cases:

1. **Complaint:**
Prohibited Conduct as defined in Section IV. A. of the above Title IX Sexual Harassment and Discrimination Policy is reported; and
2. **Location:**
The conduct occurred within an educational program or activity controlled by the College (including buildings or property controlled by recognized student organizations), and against a person in the United States; and
3. **Respondent:**
The College has control over the Respondent, meaning the Respondent is a student (from the time of acceptance to the College, and continuing after admission to matriculation and enrollment) or employee (including hired but not yet working, or employed); and
4. **Complainant:**
At the time of filing a formal complaint, the Complainant is participating in or attempting to participate in an education program or activity of the College.

Furthermore, this grievance procedure will be used for responding to incidents in which a signed formal complaint alleges sexual harassment. The Title IX Coordinator will dismiss formal complaints which do not satisfy the requirements and refer Complainants to the appropriate process, as applicable.

A. Review of Report of Sexual Harassment

Upon receipt of a report, the Title IX Coordinator, or designee, will promptly contact the Complainant and provide information about the availability of supportive measures and explain the process for filing a formal complaint. The Title IX Coordinator, or designee, will: make an initial assessment and respond appropriately, including to any immediate health or safety concerns of the Complainant and Respondent; coordinate support and assistance, including supportive measures and emergency removal; and confer with Public Safety when a Timely Warning may be needed, as required by the Clery Act.

The Title IX Coordinator will attempt to speak with the Complainant to gather additional information to better understand the allegations and related conduct, including whether the alleged conduct

would constitute a violation of this Title IX Sexual Harassment & Discrimination Policy, if it occurred, and to provide information about informal and formal resolution options.

B. Filing a Formal Complaint

A formal complaint is needed to initiate the grievance procedure outlined in this Policy. This includes a document signed by the Complainant alleging sexual harassment against a Respondent and requesting that the University investigate the allegation of harassment. The document must contain the Complainant's physical or digital signature or must otherwise indicate that the Complainant is the person filing the formal complaint.

If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal complaint to be pursued, they may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with state or federal law. In cases in which the College is compelled to proceed due to a compelling risk to health and/or safety, the Title IX Coordinator may sign a formal complaint to initiate a grievance process. A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence. The College may be compelled to act on alleged employee misconduct irrespective of a Complainant's wishes.

When the Title IX Coordinator executes the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this policy and they retain all rights of a Complainant under this Policy.

C. Notice of Investigation and Allegations

When a formal complaint is filed, written notice is provided to the parties with the following information:

- The nature of the investigation, including: the identities of the parties involved; the conduct allegedly constituting sexual harassment under the policy; the specific section of the policy allegedly violated; the date, time, and location, if known, of the alleged incident
- A statement indicating that the decision to accept a complaint does not presume that the conduct at issue has occurred, and that the respondent is presumed not responsible, unless and until, at the conclusion of the process below, there is a determination of responsibility
- An explanation that each party may be accompanied by an advisor of their choice, who may be a parent, friend, attorney, or union representative, and that each will have an opportunity to inspect and review evidence
- A statement about the College's prohibition on providing false information in the context of an investigation
- Supportive measures, which are available equally to the Respondent and the Complainant
- A description of the applicable procedures, including potential sanctions/consequences that could result
- An instruction to preserve any evidence that is directly related to the allegations
- A statement of the College's prohibition on retaliation
- The opportunity to meet with the Title IX Coordinator to discuss rights and options
- The name and contact information for the assigned investigator

D. Emergency Removal

A member of the College's Executive Team, acting through the Title IX Coordinator or designee, may impose an interim emergency removal on a Respondent, before or during a grievance process. Such action may be taken when, after an individualized safety and risk analysis, the College has determined that an immediate threat to the physical health or safety of any student or other individual exists. The interim removal may be from the College, from the residence halls, or from specific programs or activities. The Respondent will be notified in writing of the decision and will have the opportunity to challenge the decision immediately following the removal. A Respondent seeking to challenge an Emergency Removal decision may do so by submitting a written appeal using the online form on the Portal (under Student Life: Community Standards for students, and Employees: Human Resources, for employees).

Grounds for appeal include the following:

- iv. Procedural irregularity that affected the outcome;
- v. New evidence that was not reasonably available when the decision regarding an emergency removal was made that could affect the outcome; and
- vi. A College official involved in the decision-making process regarding the emergency removal had a general or specific conflict of interest or bias that impacted the decision to issue an emergency removal.

An appeal reader will provide the Respondent with written notification of the outcome of the appeal. If the appeal is denied, the Emergency Removal will remain in effect.

E. Impartiality

Any individual carrying out this policy shall be free from any actual conflict of interest or bias that would impact the handling of this matter. Each party may object to the designation of an investigator, hearing officer, or appeal reader, on the grounds of actual bias or conflict of interest, by notifying the Title IX Coordinator. To raise a concern regarding bias or conflict of interest on the part of the Title IX Coordinator, parties can contact the Vice President of Student Affairs, if a student, or the Vice President for Human Resources, if an employee.

The decision to proceed with an investigation is not a determination that the Respondent has engaged in the conduct as alleged. The College operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until a determination of responsibility has been made at the conclusion of the grievance process.

F. Standard of Evidence

The decision regarding a Respondent's responsibility will be determined by a preponderance of the evidence. This means that the decision-maker will decide whether it is "more likely than not," based upon all the evidence, that the Respondent is responsible for the alleged violation(s).

G. False Complaints or Bad Faith Participation in Title IX Process

A knowingly and intentionally false or frivolous complaint, determined by the College to have been made in bad faith and dishonesty in the context of an investigation, is a serious offense. A finding that the College policies have not been violated is not, in and of itself, an indication that a complaint is false or unfounded. The College reserves the right to impose appropriate disciplinary action to students and employees who knowingly and intentionally file a false or frivolous complaint, or who participate in bad faith in the investigation of a complaint filed pursuant to College policies by knowingly and intentionally provide false and misleading information in the context of the investigation.

H. Dismissal of Formal Complaint

At any time prior to the commencement of a hearing, any case proceeding under this policy will be dismissed if it is determined that the conduct at issue does not meet the jurisdictional requirements of this policy. If the alleged conduct would, if true, support a finding that another College policy has been violated, the College may, in its sole authority, transfer the case for further handling under the appropriate employee or student policy.

The Title IX Coordinator may dismiss formal complaints in which the Complainant withdraws their formal complaint, the Respondent is no longer enrolled at the College, or there are specific circumstances preventing the College from gathering evidence sufficient to reach a determination as to the formal complaint.

Upon any dismissal, the College will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties. This dismissal decision is appealable by any party under the procedures for appeal below. Appeals for dismissals of a complaint must be submitted in writing within five business days of the notification using the online form on the Portal (under Student Life: Community Standards for students, and Employees: Human Resources, for employees).

Grounds for appeal include the following:

- i. Procedural irregularity that affected the outcome;
- ii. New evidence that was not reasonably available when the decision regarding a dismissal of the complaint was made that could affect the outcome; and
- iii. A College official involved in the decision-making process regarding the dismissal had a general or specific conflict of interest or bias that impacted the decision to issue a dismissal of the complaint.

An appeal reader will provide the parties with simultaneous written notification of the outcome of the appeal. If the appeal is denied, the dismissal of the complaint will remain in effect.

I. Consolidation of Complaints

The College may consolidate formal complaints involving allegations of 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 of sexual harassment arise out of the same facts or circumstances.

In the event that the allegations under this policy involve allegations of a violation of a separate policy, whether in the Student Handbook or Employee Handbook, the College shall have the right, within its sole discretion, to consolidate those other allegations within one investigation and/or hearing. Allegations of a violation of a separate policy are not required to be handled using the procedural requirements set forth in this policy.

J. Advisors

Complainants and Respondents are permitted to bring an advisor of their own choosing, which may include an advocate or counsel, to any meeting or interview to provide support. Choosing an advisor who is also a witness in the process creates potential for bias and conflict-of-interest. A party who chooses an advisor who is also a witness can anticipate that issues of potential bias will be explored by the hearing decision-maker(s). Other than asking questions of the other party, or of witnesses, at the hearing, the advisor may not participate directly in, or interfere with, the proceedings.

Although reasonable attempts will be made to schedule proceedings consistent with an advisor's availability, the process will not be delayed to schedule the proceedings at the convenience of the advisor. The Title IX Coordinator has the discretion to remove the advisor from the proceedings if the advisor interferes with the proceedings. For any Complainant or Respondent who does not have an advisor at the hearing, one shall be provided, at no charge, for purposes of cross-examination of the other party or witnesses. Parties must inform the Title IX Coordinator of the name of their advisor at least two business days prior to any meeting or hearing described in this grievance process.

K. Timeline

Typically, the resolution process (whether formal or informal) will be completed within approximately ninety (90) business days from the filing of a formal complaint with the Title IX Coordinator. The Title IX Coordinator may extend any deadlines within this policy, for good cause shown and documented. The Complainant and Respondent will be notified in writing of any extension, the reasons for it, and the revised (expected) timeframe.

L. Informal Resolution

An Informal Resolution Process (IRP) may be used as a way to address certain complaints of sexual harassment covered by this Policy. Informal Resolution, which can take various forms, described below, requires voluntary, written consent for participation by the parties and is available at the discretion of the Title IX Coordinator. An IRP is not permitted when an employee is alleged to have sexually harassed a student.

Prior to participating in an Informal Resolution Process, parties will receive written notice of the allegations and an explanation of the process and consequences, including a summary of the records that will be maintained or could be shared if the parties elect to enter an IRP. Any party, including the College, can end an IRP and resume the Formal Resolution Process at any time prior to

the conclusion of a formal hearing. Information obtained during the course of an IRP will not be available for use during the Formal Resolution Process, including the investigation or hearing. Informal Resolutions can result in the voluntary imposition of safety measures, remedies, and/or agreed-upon resolutions by the parties that are enforceable by the College, including, but not limited to, no contact orders, restrictions from activities, class, and locations, and education or training.

Informal Resolution may take the form of a Restorative Justice Resolution Process, which can be facilitated by the Title IX Coordinator or other trained, third-party facilitator. This may or may not involve face-to-face meetings with the Complainant and Respondent, available if all parties, including the College, are in agreement. A restorative justice conference brings together those who were impacted by an offense, typically including those who were harmed, those who were responsible for causing the harm, and impacted community members. Through a facilitated dialogue, the participants discuss the harm and surrounding events, and mutually determine solutions to repair harm and rebuild trust. The Restorative Justice Resolution will result in an agreement between the Complainant, Respondent, the College, and other impacted parties.

Participation in an Informal Resolution Process does not constitute a finding of responsibility for a policy violation and is therefore not part of the student or employee's disciplinary file. However, information regarding participation in the IRP is maintained, as well as the agreement. If the Respondent is found responsible for a violation of any College policy in the future, this agreement can be considered when issuing sanctions for the Respondent. All agreements reached during the IRP, must be approved by the Title IX Coordinator and signed by the Respondent and Complainant. Failure to reach an agreement or complete the items in the signed agreement may result in the case being referred to the Formal Resolution Process.

M. Formal Resolution – Investigation

Upon receipt of a signed formal complaint and initiation of the Formal Resolution Process, the College will assign the case to an annually trained investigator who does not have any other role in this process. The College will make a good faith effort to complete investigations as promptly as circumstances permit, typically within approximately thirty (30) days, and will communicate regularly with the parties to update them on the progress and timing of the investigation. The Investigator will conduct a prompt, equitable, and impartial investigation and will interview the Complainant, Respondent, and any witnesses who have relevant information, and collect any other relevant evidence. Should a Respondent who has been notified of an investigation decline to participate, the investigation may proceed, including holding a hearing, reaching a finding, and imposing any sanctions based on the information available.

The Investigator will prepare a summary of each interview. Each party will be provided with an opportunity to offer relevant witnesses and evidence. The Investigator will consider all relevant evidence, both inculpatory and exculpatory. Any and all information for consideration by the Hearing Officer(s) must be provided to the investigator as part of the investigation process. Information that was not provided to the Investigator will not be allowed during the hearing itself, unless it can be clearly demonstrated that such information was not reasonably known to or available to the parties at the time of the investigation.

Questions and evidence about a Complainant's sexual predisposition or prior sexual behavior are not relevant, unless offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

In preparing for a hearing, the Complainant and Respondent are not restricted from discussing the allegations under investigation or from gathering and presenting relevant evidence.

The parties will have the same opportunity to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting by an advisor of their choice. At these grievance/investigation meetings, advisors are not allowed to actively participate in or interfere with the proceedings.

At the conclusion of all interviews and fact gathering, the Investigator will provide the parties an equal opportunity to inspect and review all evidence obtained that is directly related to the allegations, including evidence upon which the College does not intend to rely in reaching a determination of responsibility. This includes inculpatory and exculpatory evidence whether obtained from a party or other source, so that each party can respond.

Prior to the conclusion of an investigative report, the Investigator will send to each party and their advisor, if any, the evidence subject to inspection and review. The parties will have ten (10) business days to submit a written response, which the investigator will consider prior to the completion of the investigative report. This information will also be available at the hearing.

The Investigator will create an investigative report, which summarizes relevant evidence, and provide it to the Title IX Coordinator, who may require that the Investigator conduct additional investigation. Once the investigation report is final, it will be provided to each party and their advisor, if any, for their review and written response, ten (10) business days prior to the hearing. The parties will be provided with a Notice of Hearing, which will include information regarding the date of the hearing, the identity of the Hearing Officer(s), and any deadlines or questions to be reviewed by the Hearing Officer to ensure relevance. The parties and any witnesses whose participation is invited or expected will be provided with written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate. Within three (3) days of receipt of the Notice of Hearing, either party may object to a Hearing Officer on the basis of an actual bias or conflict of interest. Any objection must be in writing and sent to the Title IX Coordinator. Should the Title IX Coordinator determine that there is an actual bias or conflict of interest, the Title IX Coordinator will remove the Hearing Officer and appoint another.

Both the Complainant and the Respondent, accompanied by their advisor, will be provided with a Pre-Hearing Meeting. Each party is entitled to one advisor at the hearing, whose role is to ask questions of the other party and of witnesses, but not to advocate for, or otherwise speak on behalf of, their advisee during the hearing. No party shall be permitted to ask questions of the other party, or of a witness. An advisor of the College's choosing shall be provided for any party who does not have an advisor.

At any stage of this process, the parties and the Title IX Coordinator, or designee, may consider resolution of the case without a hearing. Those who agree to resolution without a hearing, do not have the right to appeal.

N. Formal Resolution – Hearing

Hearings may be held in person or via videoconferencing and will be conducted by either one Hearing Officer or up to three (3) Hearing Officers (hereafter “Hearing Officer”) serving as a panel of decision-makers, each of whom must be annually trained and have no other role in the process. Each hearing will be recorded only by the College, either by audio recording or transcript. No other individual is permitted to record while the hearing is taking place. The recording is the property of Curry College, but will be available to the parties for listening by contacting the Title IX Coordinator.

The hearing shall be conducted in private. The Hearing Officer has discretion over who is permitted into the hearing and has the authority to remove any person whose presence is deemed unnecessary or disruptive to the proceedings. Live hearings may be conducted in separate rooms, at the request of either party or the College, with technology enabling the Hearing Officer(s) and parties to simultaneously see and hear each other. If a Respondent or Complainant does not appear for the hearing, the Hearing Officer may proceed without the Respondent or Complainant.

The Complainant, Respondent, and Hearing Officer all have the right to call witnesses. Witnesses must have information relevant to the incident. No party will be permitted to call as a witness anyone who was not interviewed by the Investigator as part of the College’s Investigation. The parties must provide the names of any witnesses they would like to call by the date specified in the Notice of Hearing sent to them upon the conclusion of the investigation. They will also be asked to provide preliminary list of questions they wish to pose to the other party, or to a witness. If the Hearing Officer determines that any are not relevant, the Hearing Officer will explain the reason for the exclusion of the question at the hearing. The Complainant and Respondent can waive a witness’s participation at the Hearing, and accompanying cross-examination, and permit the Hearing Officer to rely on any statement of that witness, should they both agree to do so.

The hearing will start with an overview of the hearing process from the Hearing Officer. The hearing officer will then pose questions to the Complainant. When the Hearing Officer has concluded, the Respondent’s advisor will then pose questions to the Complainant. If the Hearing Officer has any additional questions, those will be posed by the Hearing Officer. If the Respondent’s advisor has any follow-up questions for the Complainant, the advisor will ask those questions. The same process will then be followed for questions posed to the Respondent by the Hearing Officer, followed by questions from the Complainant’s advisor to the Respondent. This process will then be followed for any witnesses who are to be interviewed.

Only relevant cross-examination questions may be asked. Before a party answers a cross-examination question, the Hearing Officer must first determine if the question is relevant and provide a reason if a question is excluded. Questions about a Complainant’s sexual predisposition or prior sexual behavior will not be permitted, unless offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions concern specific incidents of the Complainant’s prior sexual behavior with respect to the Respondent and are offered to prove consent. Questions regarding any information protected by legally recognized privilege, including treatment records will not be allowed without signed written consent of the party.

If either party does not appear, their advisor will be present for the purpose of asking questions of the other party, or of witnesses. If a party or witness does not submit to cross-examination by the advisor, the Hearing Officer may not rely on any prior statement of that party or witness in reaching a determination of responsibility. If a party or witness does not answer the questions of a Hearing Officer, the decision maker can rely on prior statements of that party or witness.

The parties have the right to provide an impact statement, which will be taken into consideration after a determination of responsibility has been made.

The Hearing Officer will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. If a panel is used, a simple majority vote is required to determine the finding.

When a student respondent is found in violation, the Director of Community Standards and Accountability or designee, who may be the Hearing Officer, will impose any sanctions. When an employee respondent is found in violation, the matter will be referred to the appropriate Senior Staff Member (Vice President of Human Resources for staff; Provost for faculty), who may be the Hearing Officer, to issue any discipline. They will do so after a review of the Respondent's student conduct or employee disciplinary history and taking into consideration any impact statements from the Complainant or Respondent.

The Complainant and Respondent will receive a written determination regarding responsibility applying the preponderance of the evidence standard within seven (7) business days after a final determination, unless good cause for additional time is shown. The determination must include:

- The allegations constituting sexual harassment
- A description of the procedural steps taken during the grievance process
- Finding of facts supporting the determination
- Conclusions regarding the application of the Policy to the facts
- A statement of, and rationale for the result of each allegation including findings, sanctions, and remedies
- Procedures for appeal

The determination of responsibility becomes final either on notification of the results of the appeal, or the date on which an appeal would no longer be considered timely.

O. Sanctions and Remedies

When an individual is found to have violated this Policy, appropriate disciplinary action and sanctions will be imposed by the College, including but not limited to, probation, loss of privileges, mandatory training or counseling, mandated assessment, removal from classes, buildings, activities, programs, and/or campus locations, suspension, termination, and/or expulsion from the College.

Upon conclusion of the grievance process, a complainant may be provided remedies. Remedies may include the continuation of supportive measures, but can also include disciplinary action issued to a Respondent. The Title IX Coordinator is responsible for the implementation of remedies.

P. Appeals

Either party has the right to file an appeal, which is reviewed by an annually trained appeal reader, who does not have any other role in the process. Only decisions reached through a hearing can be appealed and must be submitted in writing within five business days of the written determination regarding responsibility. Appeals can be submitted using the online form on the Portal (under Student Life: Community Standards for students, and Employees: Human Resources, for employees).

Grounds for appeal are limited to the following:

- i. Procedural irregularity that affected the outcome;
- ii. New evidence that was not reasonably available when the determination of responsibility was made that could affect the outcome;
- iii. The Title IX Coordinator, investigator, or decision-maker had a general or specific conflict of interest or bias against the Complainant or Respondent that affected the outcome.

The parties will be notified in writing when an appeal is submitted. The non-appealing party will receive a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome. If the non-appealing party wishes to submit a written statement, that party shall do so within five business days of receiving written notification of the appeal.

The parties will receive written decision regarding the appeal describing the results of the appeal and the rationale for each result. If the appeal is granted, the matter shall be either referred to the original Hearing Officer for re-opening of the hearing to allow reconsideration of the original determination or the appeal reader will determine any change in sanction. If an appeal is denied, the matter shall be considered final.

Q. Training

Title IX Coordinators, investigators, decision-makers and any person who facilitates an informal resolution process will receive annual training on the following: the definition of sexual harassment, including an understanding of educational program or activity; how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes; how to serve impartially, including avoiding prejudgment about the facts at issue, conflicts of interest, and bias; the technology to be used at a live hearing; issues of relevance, including questioning, and investigative reports.