

## **1.1 STATEMENT OF NON-DISCRIMINATION**

Curry College is committed to fostering a diverse and inclusive community that supports each community member's professional, academic or personal pursuits. The College's Unlawful Harassment, Discrimination, and Retaliation Policy reflects our commitment to these goals.

Curry College is committed to providing equal opportunity in employment and education programs 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, physical or mental disability, pregnancy, sexual orientation, gender identity or expression, genetic information, veteran or military status, membership in the Uniformed Services, or any category protected by applicable state and federal laws.

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. Conduct prohibited by law and this Policy is incompatible with the values and mission of Curry College and will not be tolerated.

The College's complete policy prohibiting Sexual and Gender-Based Discrimination and Harassment, including sexual violence and sexual misconduct, can be reviewed at Section 1.2 of this Employee Handbook. For further information, please contact the Human Resources Office, or contact the College's Title IX Coordinator.

### **A. PROHIBITION AGAINST UNLAWFUL DISCRIMINATION, HARASSMENT AND RETALIATION**

The College fully supports the right of all persons to hold employment or receive education without suffering from acts of unlawful discrimination, harassment, or retaliation. As such, it is the policy of the College to maintain a work and academic environment that is free of harassment and of discriminatory actions based on an individual's legally protected characteristics, which can include but are not limited to race, religion, color, sex, age, ethnic or national origin or ancestry, physical or mental disability, pregnancy, sexual orientation, gender identity or expression, genetic information, veteran or military status, membership in the Uniformed Services, or any category protected by applicable state and federal laws.

Unlawful discrimination, harassment, and retaliation by officers, faculty, managers, supervisors, employees, students, vendors, clientele, and contractors will not be tolerated. Such conduct is illegal under federal and state laws and is strictly prohibited by the College.

## B. DEFINITIONS

**Discrimination** is a legal term referring to an employment or academic decision that results in negative and/or different treatment of an individual based upon one or more of the individual's legally protected characteristics. Discriminatory conduct includes decisions in which one or more of the individual's legally protected characteristics were the sole factor or a contributing factor.

**Harassment** is a legal term describing when an individual is targeted with verbal, written, visual, or physical conduct based upon one or more of the individual's legally protected characteristics and that unreasonably interferes with the individual's work or academic performance, or creates an intimidating, hostile, or offensive working, living or learning environment. Such acts may occur on or off campus, and during or after work hours.

**Examples of Harassing or Discriminatory Conduct:** Depending upon the circumstances and how they impact the workplace, educational programs, activities, or the academic environment, examples of discrimination or harassment in violation of this Policy may include, but are not limited to, following types of conduct:

- Making decisions about a person's employment, compensation, or education based upon or motivated by the person's protected characteristic(s);
- Verbal or physical abuse, offensive innuendo or derogatory words, epithets, or comments concerning, based on, or motivated by a person's protected characteristic(s);
- An open display of objects, pictures, or other media which create a hostile working/learning environment based on or motivated by a person's protected characteristic(s); or
- Failure to provide religious or disability-related accommodations when required by applicable law.

**Sexual Harassment** is a legal term describing discriminatory behavior where an individual is the recipient of unwelcome sexual advances or requests for sexual favors, or is otherwise subjected to conduct of a sexual nature whether verbal, non-verbal, graphic, physical, electronic or by any and all other means. Behavior can constitute sexual harassment when:

- Submission to or rejection of such sexual advances, conduct, or requests for sexually based favors is made either explicitly or implicitly a term or condition of an individual's employment, education or participation in College programs or activities, or a basis for employment or educational decisions affecting the individual (*quid pro quo*); or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance, education, or participation in College programs or activities, or creating an intimidating, hostile, humiliating or sexually offensive work, learning, or living environment (*hostile environment*).

Sexual harassment may occur on or off campus, and during or after work hours.

**Gender-Based Harassment** is a legal term describing harassment based on sex or gender, sexual orientation, gender identity, or gender expression, which may include acts of aggression, intimidation, or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature, when the conditions for *hostile environment sexual harassment* or *quid pro quo sexual harassment* are present, as defined above.

More information about the College's **Sexual and Gender-Based Harassment Policy** and the Curry College Title IX Policy on Sexual Harassment and Discrimination can be found in this Employee Handbook.

#### **C. RESPONSIBILITIES FOR EVERY CURRY COLLEGE COMMUNITY MEMBER**

The terms of this Policy apply to all members of the Curry College community, including students, faculty and staff members, visitors and vendors.

Accordingly, each member of the College community is personally responsible for ensuring that his or her conduct does not violate this Policy.

Each College community member is responsible for cooperating in any investigation of an alleged violation of this Policy if requested to do so by the individual(s) conducting the investigation.

Any individual who observes an incident that may constitute a violation of this Policy or who otherwise becomes aware of such an incident must immediately notify the Vice President of Human Resources, the Title IX Coordinator, or Deputy Title IX Coordinators listed herein.

All employees are required to participate in the College's workplace prevention harassment training program upon hire and every three years thereafter.

#### **D. 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. The conduct must be sufficiently serious to interfere with an individual's ability to participate in employment or an educational program and activities from both a subjective and objective perspective.

#### **E. REPORTING COMPLAINTS OF CONDUCT IN VIOLATION OF THIS POLICY**

If an individual believes that he or she has been subject to conduct prohibited under this Policy, the most immediate goal is to stop the offensive conduct. Often, this can be accomplished by confronting whomever is engaging in the conduct, telling them what the individual finds offensive, and requesting that they stop. However, there is no requirement that the individual do so, and it may be that this approach is not practical or effective.

If an individual believes that he or she has been the subject of conduct prohibited under this policy, or if he or she is not sure if certain behavior violates this policy, he or she should contact their supervisor, the Human Resources Office, the Title IX Coordinator, Deputy Title IX Coordinators, or one of the Liaisons established by the College. That individual will then inform the Vice President of Human Resources or designee (in the case of an accused staff member) and/or the Provost and or designee (in the case of an accused faculty member) about the complaint.

## **F. PROCEDURES FOR ADDRESSING COMPLAINTS**

The procedures for investigating and resolving reports of prohibited conduct committed by an employee, a visitor to an employee, or a vendor are detailed below.

These procedures do not apply in cases falling under the Curry College Title IX Policy Prohibiting Sexual Harassment and Discrimination. The College's Title IX Policy Prohibiting Sexual Harassment and Discrimination can be found in the Student Handbook and the Employee Handbook.

The procedures for investigating and resolving reports of prohibited conduct committed by a Curry College student or a visitor on a student are detailed in the Student Handbook, located at [www.curry.edu/handbook](http://www.curry.edu/handbook).

When a student reports that they have experienced conduct in violation of the College's Sexual and Gender-Based Harassment and Discrimination Policy, the student's individual rights and obligations are provided in the Student Handbook at [www.curry.edu/handbook](http://www.curry.edu/handbook).

A Human Resources designee will meet with the complainant to discuss the conduct and events that are of concern, and to answer any questions the complainant may have about the procedure. The complainant is to bring the following information to this meeting: a description of the incident(s), the name of the person alleged to have violated this Policy, times, locations, specific words/actions, and the name of any witnesses to the incident(s). The meeting may also include a discussion of the possibility of an informal resolution with the assistance of Human Resources. The complainant is encouraged (but not required) to submit a written statement. The individual alleged to have violated this policy will not attend this meeting.

If an informal resolution is not achieved or is not appropriate, the Human Resources designee will meet with the individual alleged to have violated this Policy. Both parties shall be provided with information regarding the submission and consideration of evidence that may be used during a hearing or disciplinary proceeding and shall have equal opportunity to present evidence and witnesses.

The Human Resources designee will determine what witnesses, if any, should be contacted. Witnesses will be interviewed outside the presence of the individual making the complaint (the Complainant) and the person alleged to have violated this Policy (the Respondent).

In compliance with state law, the following shall occur in cases involving alleged violations by employees of the Sexual and Gender-based Harassment and Discrimination Policy. Notice shall

be given to the Respondent, including, but not limited to, the date, time and location, if known, of the alleged conduct and which policies were allegedly violated. There is a presumption that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. The College will conduct an impartial investigation, by a qualified and annually trained individual employed by the College or engaged by the College for the purpose of conducting investigations under the Policies. Both the Complainant and the Respondent are permitted to have a support person of their choosing, which may include an advocate or counsel, accompany them to any meetings, hearings and disciplinary proceedings. A Party should select a support person whose schedule allows attendance at the scheduled date and time for the meetings, as delays may not be permitted due to scheduled conflicts for the support person. The role of a support person is to accompany a Complainant or Respondent with the purpose of providing support during the meeting. A support person may not address or question the Human Resources designee, answer on behalf of the Party, or otherwise actively participate in the grievance process. A support person cannot be a witness or otherwise involved in the investigation or resolution process. Both parties shall be provided equal opportunities to inspect and review evidence obtained as part of the investigation that is directly related to the allegations. The Human Resources designee may place restrictions on evidence considered by the fact finder, including but not limited to, the use of evidence of prior sexual activity or character witnesses.

Upon completion of the investigation, the Human Resources designee will: (1) prepare a finding of the facts, will make a determination as to whether the alleged conduct constitutes a violation of this Policy, and will notify the appropriate Senior Staff Member (Vice President of Human Resources for staff; Provost for faculty).

The College will endeavor to inform the individual making the complaint and the person alleged to have violated this Policy of the determination, in writing, within sixty (60) days of the commencement of the investigation and within seven (7) business days after a final determination, unless good cause for additional time is shown. In such a case, the Complainant and the Respondent will be notified.

The determination may be appealed in writing by either party using the online form on the Portal (under Student Life: Community Standards for students, and Employees: Human Resources, for employees) within 10 days of this notification. The Complainant and the Respondent may only appeal the outcome on one or both of the following grounds:

1. A procedural error occurred, which may change the outcome of the determination (*i.e.*, the investigator did not interview a previously identified witness with exculpatory information);  
or

2. The individual making the appeal has substantive and relevant new information that was not available at the time of investigation and that may change the outcome of the decision.

Disagreement with the College's findings or determination is not, by itself, a ground for appeal. The written appeal should contain a statement as to why the individual appealing disagrees with the determination.

If, for any reason, the Vice President of Human Resources, and/or the Provost requests to be excluded from the process related to this Policy, a designee will be determined by the President to take his/her place.

#### **G. NO RETALIATION FOR FILING OR ASSISTING IN THE INVESTIGATION OF A COMPLAINT UNDER THIS POLICY**

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 Vice President of Human Resources (617-333-2193) or Associate Vice President of Student Affairs and Dean of Students (617-391-5240), or to the Title IX Coordinator (617-979-3516), as circumstances warrant.

#### **H. NO FALSE COMPLAINTS OR BAD FAITH PARTICIPATION IN INVESTIGATIONS**

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 this Policy has 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 on a student or an employee who knowingly and intentionally files a false or frivolous complaint, or who participates in bad faith in the investigation of a complaint filed pursuant to this Policy by knowingly and intentionally providing false and misleading information in the context of the investigation.

## **I. CORRECTIVE ACTION**

In the event that the investigation concludes that a member of the Curry community has engaged in misconduct constituting discrimination, harassment, or retaliation in violation of this Policy, the College may take prompt corrective action to eliminate the misconduct and to put measures in place to prevent its recurrence and correct its effects, including, where appropriate, imposing discipline on the offender. Such disciplinary action may include but is not limited to the following: reprimand, change in work assignment, mandatory training or suspension, and/or immediate termination or end of contractual or business with the College.

In the case of a staff member, the Senior Staff Member and the Vice President of Human Resources will make a final determination regarding disciplinary action.

In the case of a faculty member found in violation of this policy, the Provost will make the final determination for any discipline in accordance with the current Collective Bargaining Agreement.

## **J. CONFIDENTIALITY**

All actions taken to report, investigate and resolve complaints through the procedures of this policy shall be conducted with privacy and discretion. 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. However, the College cannot make promises of confidentiality. In order to conduct a thorough investigation, the Human Resources designee and the Title IX Coordinator (if participating) may discuss the report with witnesses and other individuals involved in or affected by the report, and with persons necessary to assist in the investigation or to implement appropriate corrective actions.

## **K. COLLEGE EMPLOYEES RESPONSIBLE FOR ADDRESSING COMPLAINTS OF VIOLATIONS OF THIS POLICY**

The following individuals are designated as those individuals who are charged with addressing complaints of harassment and discrimination under this Policy, and may be contacted to initiate an investigation under the Policy. Employees may report or disclose incidents of sexual misconduct regardless of where the alleged conduct occurred.

### Vice President of Human Resources:

Mirlen Mal  
King Academic Administration Building, 55 Atherton St.  
[mirlen.mal@curry.edu](mailto:mirlen.mal@curry.edu)  
617-333-2193

### Title IX Coordinator:

Rachel King  
King Academic Administration Building, 55 Atherton St.  
[rachel.king@curry.edu](mailto:rachel.king@curry.edu)

617-979-3516

Associate Vice President and Dean of Students/Deputy Title IX Coordinator

Jennifer Golojuch-Borden  
1016 Brush Hill Road  
[Jennifer.golojuchborden@curry.edu](mailto:Jennifer.golojuchborden@curry.edu)  
617-391-5240

Staff and Faculty trained as Liaisons:

A number of staff and faculty across campus have been trained as Liaisons, serving as a resource to members of the College community. Liaisons are knowledgeable about College policies, procedures, resources and reporting obligations.

All Liaisons are required to participate in appropriate training provided by the College. Employees who do not attend required training annually as requested will be taken off this [resource list](#).

The College maintains lists of Liaisons, which are updated periodically and made available on the College's Website and under the Employee tab/Human Resources link on the College's employee portal.

**L. 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  
(800)669-4000

Massachusetts Commission Against Discrimination ("MCAD")

Boston Headquarters:  
One Ashburton Place, Suite 601  
Boston, MA 02108  
(617) 994-6000

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

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

New Bedford Office:  
800 Purchase Street, Room 501  
New Bedford, MA 02740  
(508) 990-2390



3. US Department of Education  
Office of Civil Rights (“OCR”) - Boston Office  
5 Post Office Square, 8th Floor,  
Boston, MA 02109-3921  
(617) 289-0111

## **1.2 SEXUAL AND GENDER-BASED 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 Sexual and Gender-Based Harassment and Discrimination Policy prohibits sexual and gender-based harassment and discrimination, including but not limited to, sexual misconduct, dating and interpersonal 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 College community members, including students (prospective and current), employees, visitors, vendors, and independent contractors, when the conduct:

1. occurs on College property, including online or electronic conduct through the use of College computing or network resources;
2. occurs in the context of an employment or education program or activity of the college; or
3. may have continuing adverse effects for the College community.

Please note that under the Department of Education's Title IX Regulations, published May 19, 2020, certain procedures will apply **only** to a narrow category of cases, outlined in the Curry College Title IX Policy Prohibiting Sexual Harassment and Discrimination. Those cases meeting the definitions and jurisdictional elements outlined in the College's Title IX Policy Prohibiting Sexual Harassment and Discrimination will follow the College's Grievance Procedure for Title IX Sexual Harassment. Those cases that do not fit within these new guidelines will be handled through the College's policy and process outlined here in the Sexual and Gender-Based Harassment and Discrimination Policy. This is not to suggest that any case is more or less important, but instead a reflection of federal regulations that apply only to a specifically-identified set of cases.

### **III. Prohibited Conduct under this Policy**

#### **A. Discrimination, Harassment, and Retaliation**

Individuals may not be discriminated against in the terms and conditions of their employment or academic program or subject to harassment in the workplace or academic environment. Such conduct is illegal under federal and state laws and is strictly prohibited by the College. Unlawful discrimination, harassment, and retaliation by officers, faculty, managers, supervisors, employees, students, vendors, clientele, and contractors will not be tolerated.

This Policy focuses on Sexual or Gender-Based Harassment and Sexual Misconduct, which are further described in this Section.

#### **B. Sexual or Gender-Based Harassment**

**Sexual Harassment:** Sexual harassment and sexual violence are forms of sex discrimination that are illegal under both federal and Massachusetts state law. Under these laws, unwelcome sexual advances, requests for sexual favors and other conduct of a sexual nature whether verbal, non-verbal, graphic, physical, electronic, or otherwise constitute sexual harassment when:

- Submission to or rejection of such sexual advances, conduct, or requests for sexually based favors is made either explicitly or implicitly a term or condition of an individual's employment, education or participation in College programs or activities, or a basis for employment or educational decisions affecting the individual (*quid pro quo*); or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance, education, or participation in College programs or activities, or creating an intimidating, hostile, humiliating or sexually offensive work, learning, or living environment (*hostile environment*).

Sexual harassment does not refer to behavior or occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome and occurs in a variety of situations which share a common element: the inappropriate introduction of sexual activities or comments into the work or educational environment. It may occur on or off campus.

Sexual harassment often involves relationships of unequal power. Such situations may contain elements of coercion, such as when compliance with requests for sexual favors becomes a condition for granting privileges or favorable treatment on the job, or favorable treatment in the classroom. However, sexual harassment may also involve relationships among persons of equal authority or power, such as when repeated advances or demeaning verbal comments by a co-worker towards another co-worker have a harmful effect on a person's ability to perform their work. Sexual harassment can also involve behavior directed to and/or by students of the College, as well as employees and non-employees of the College.

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; and

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

**Gender-Based Harassment** includes harassment based on sex or gender, sexual orientation, gender identity, or gender expression, which may include acts of aggression, intimidation, or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature, when the conditions for *hostile environment harassment* or *quid pro quo harassment* are present, as defined above.

### **C. Additional Forms of Sexual Misconduct**

#### **Sexual Misconduct**

Curry College strictly prohibits sexual violence and all other forms of sexual misconduct. Sexual Misconduct includes any sexual contact or activity that occurs without the effective consent of any

individual involved. It is the obligation of every person to obtain effective consent from the other person prior to sexual contact. Effective Consent is discussed in the section below.

Examples of sexual misconduct include, but are not limited to:

- Having or attempting to have sexual intercourse with another individual without consent or by force. Sexual intercourse includes anal, oral or vaginal penetration, however slight, with a body part or object.
- Intentional and unwelcome sexual touching, such as touching another's genitals, buttocks, or breasts without consent; or making someone touch you or themselves on these body parts.
- Having sexual contact with someone who is incapacitated (e.g. from alcohol or drug usage) such that their decision-making ability is compromised so that they are unable to consent;
- Continuing sexual activity after either party has made it clear, either verbally or by conduct, that they do not wish to continue physical contact;

### **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.

### **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.

## **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.

## **Relationship and Intimate Partner Violence**

Physical violence, coercion, threats, intimidation, isolation, stalking, or other forms of emotional, sexual or economic abuse (i.e. controlling access to finances) is prohibited, including but not limited to those directed towards an intimate partner. Such violence can be a single act or a pattern of behavior. Intimate partner relationships are defined as short or long-term relationships (current or former) between persons intended to provide some emotional and/or romantic physical intimacy.

Domestic violence and dating violence may also constitute forms of intimate partner violence and are prohibited by the College. Dating violence includes violence by a person who has been in a social relationship of a romantic or intimate nature with the complaining party. The existence of such relationship is determined by its length, its type, and frequency of interaction of persons involved in the relationship. Domestic violence includes acts that may constitute violent misdemeanor and felony offenses committed by the victim's current or former spouse, cohabitant, or a person with whom they share a child (as well as a person similarly protected under applicable domestic or family violence laws).

## **Stalking**

Stalking is defined as a course of conduct directed at a specific person whether that person is a total stranger, acquaintance, current or former intimate partner, or anyone else that would cause a reasonable person to fear for her or his safety, for the safety of a third person, or to suffer substantial emotional distress. Such behavior is prohibited.

Stalking behaviors include, but are not limited to repeatedly pursuing, following, waiting, or appearing uninvited at or near a residence, workplace, classroom, or other places frequented by the person; surveillance or other types of observation, including but not limited to staring or watching an individual without their consent (which may be referred to as “peeping”); and repeated unwanted communication, including, but not limited to, face-to-face communication, telephone calls, voice messages, e-mails, text messages, social media, written letters, gifts, or any other communications that are not welcomed by the recipient of the communication.

### **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.

### **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.

### **D. Amorous Relationships Between Faculty, Students, and Staff**

Employees should always conduct themselves professionally in their dealings with coworkers and students and others. The College expects the employees involved to exercise discretion and maturity in the manner in which they relate to each other at work with coworkers and students. Personal/romantic relationships between employees of different levels of authority within the College may affect the morale of co-workers by creating actual or perceived favoritism. Therefore, neither party to a romantic relationship should participate in formal or informal supervision, review or evaluation of the other. The College may alter the work responsibilities of parties engaged in a romantic relationship in order to limit their professional contact with one another.

**Romantic relationships between employees and students are strictly prohibited.** For more information regarding amorous relationships, contact Human Resources at (617) 333-2263.

## **IV. Options for Reporting Prohibited Conduct**

Individuals who have experienced sexual or gender-based harassment or discrimination, including sexual violence, 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 V), 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.

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.

## **V. Confidentiality and Employee Reporting Obligations**

A number of different resources and reporting options are available to those who have experienced sex or gender-based discrimination or harassment, including sexual violence. 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 or gender-based 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, and the Sexual Violence Prevention Educator, who serves as a confidential resource provider.

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. 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.

**Informal Resolution.** An Informal Resolution Process (IRP) may be used as a way to address allegations of sexual and gender-based harassment and discrimination covered under this Policy under certain circumstances. 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 an IRP. Any party, including the College, can end an IRP and resume the applicable student or employee grievance procedures at any time. Information obtained during the course of the IRP will not be available for use during a formal grievance process.

Informal Resolutions can result in the voluntary imposition of safety measures, remedies, and/or agreed-upon resolutions by the parties, including, but not limited to, no contact orders, restrictions from activities, class, and locations, and education or training, that are enforceable by the College. 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.

**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.

## **VI. Accessing Resources**

### **A. 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.

**Confidential Resource Provider**

*(For students and employees)*

On-campus: Sexual Violence Prevention Educator  
55 Atherton St.  
(617) 333-2956  
[Rachael.Cina@curry.edu](mailto:Rachael.Cina@curry.edu)

**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

## **B. 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.

## **C. Remedial, Protective and Interim Measures**

When the College receives a report of a violation of this policy, reasonable and appropriate remedial, protective, and interim measures may be put in place, by the appropriate College official(s), regardless of where the reported conduct occurred. These measures may be both remedial (designed to address a Complainant's safety and well-being and continued access to educational opportunities) or protective (designed to reduce the risk of harm to an individual or community). These measures, which may be temporary or permanent, may be imposed even when not specifically requested by a Complainant or Respondent at the discretion of the College, as appropriate. They include, but are not limited to: no contact orders; access to campus escort; changes to student housing, dining, or work circumstances; counseling and medical services; victim advocacy; legal assistance; academic support; transportation accommodations; assistance maintaining eligibility for student visa or financial aid; immigration assistance; interim suspension; and administrative leave (with or without pay).

## **VII. Applicable Procedures under this Policy**

The Office of Human Resources may address alleged violations of this College policy which are brought 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 and Accountability may address alleged violations of this College policy that are made against a student of the College or a visitor to a student.

## **VIII. 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. The conduct must be sufficiently serious to interfere with an individual's ability to participate in employment or an educational program and activities from both a subjective and objective perspective.

## **IX. 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 Rachael Cina, Sexual Violence Prevention Educator, at [Rachael.Cina@curry.edu](mailto:Rachael.Cina@curry.edu).

## **X. 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](mailto: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](mailto:Jennifer.golojuchborden@curry.edu)  
617-391-5240

Deputy Title IX Coordinator:

Vinnie Eruzione  
Director of Athletics  
Student Center, L-04  
[veruzion@curry.edu](mailto: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

## **XII. 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.