

**EQUAL OPPORTUNITY AND
DISCRIMINATORY HARASSMENT POLICY¹
AND
PROCESS FOR THE INVESTIGATION
AND RESOLUTION OF COMPLAINTS**

I. Commitment to Non-Discrimination

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

It is the policy of the College to adhere to all applicable state and federal laws prohibiting discrimination and discriminatory harassment. The College does not discriminate unlawfully in admission to, access to, treatment in, or employment, in its programs and activities on the basis of a person’s actual or perceived race, religion, color, national origin, age, veteran status, sex (including sex stereotypes, sex characteristics, pregnancy or related conditions², sexual orientation, gender identity or expression and marital or parental status), disability, genetic information, or any other legally protected status, while reserving its right where permitted by law to take action designed to promote its Jesuit and Catholic mission.

Unlawful discrimination, discriminatory harassment, and retaliation are prohibited and will not be tolerated at the College. Such behavior violates this Policy and/or the Sex-Based Discrimination and Harassment Policy and may result in disciplinary action, up to and including termination or dismissal from the College.

The Associate Vice President of Title IX and Equal Opportunity (who also serves as the College’s Title IX Coordinator and ADA/504 Coordinator) (“AVP of Title IX/EO”) has been designated by the College to respond to general inquiries regarding the College’s non-discrimination policies:

¹ This Equal Opportunity and Discriminatory Harassment Policy is effective as of August 1, 2024 and amends the Equal Opportunity and Discriminatory Harassment Policy and Process for the Investigation and Resolution of Complaints. This policy and the procedures set forth in this policy generally will apply to complaints made on or after that date, unless the Associate Vice President of Title IX and Equal Opportunity determines otherwise in their discretion. Prior versions of this policy are available upon request to the Associate Vice President of Title IX and Equal Opportunity.

² This includes the right to reasonable accommodations in connection with pregnancy or a condition related to pregnancy including, but not limited to, lactation, or the need to express breast milk for a nursing child. Please see this [link](#) with respect to accommodations for pregnancy or a condition related to pregnancy available to students and the [Reasonable Accommodation Procedures for Employees, Applicants for Employment and Third Parties](#) (available at https://www.holycross.edu/sites/default/files/files/policyprocedure/adminfinance/final_procedures_for_applicant_and_employees_9-21-2018.pdf) for further information.

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Individuals may report complaints to the AVP of Title IX/EO or at this [link](#).

Concerns about this Policy may be raised with the AVP of Title IX/EO. Individuals may also raise concerns about this Policy with the U.S. Department of Education's Office for Civil Rights ("OCR"), 5 Post Office Square, Boston, Massachusetts. The OCR's contact information is (617) 289-0111 or OCR.Boston@ed.gov and the governmental agencies listed in Section VI.D below. Note that contacting a governmental agency will not alter the College's response to allegations of discrimination.

II. How the College Seeks to Address Discrimination, Discriminatory Harassment, and Other Forms of Misconduct³

The College's commitment to non-discrimination includes an assurance that the College will not tolerate discrimination or harassment based on actual or perceived race, religion, color, national origin, age, veteran status, sex (including sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity or expression and marital or parental status), disability, genetic information, or other unlawful bases or retaliation. This prohibition includes sexual harassment, sexual assault, dating and domestic violence, and stalking. The College follows through on that commitment through the implementation of two policies:

A. This Equal Opportunity and Discriminatory Harassment Policy ("this Policy")

This Policy defines prohibited conduct and a process by which the College will address such conduct, including, but not limited to:

- Discrimination or harassment based on actual or perceived race, religion, color, national origin, age, veteran status, disability, or genetic information.
- Retaliation.
- Domestic violence, stalking, sexual exploitation, media-based misconduct, inducing incapacitation, aiding and assisting, employee relationships with students, relationships between supervisory employees and others, or retaliation

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

in connection with a matter under the Sex-Based Discrimination and Harassment Policy, in each case are addressed under this Policy to the extent that those concerns⁴ are not required to be addressed under Title IX and the Sex-Based Discrimination and Harassment Policy. In these cases, the AVP of Title IX/EO will evaluate reported concerns and make a determination of which policy applies.

- Additional prohibited conduct described in Section IX, including, but not limited to, failure to make a mandated report, violation of the duty of honesty or cooperation, violation of the prohibition of recording the proceedings, or other violation.

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

This Policy applies to all College community members, including, but not limited to, students, faculty, staff, contractors, volunteers, and other third parties visiting College owned or leased property or participating in any College event, program or activity, whether on or off campus. All such persons are responsible for being familiar with and abiding by this Policy at all times. The term “student” includes all persons taking courses at the College, either full-time or part-time and applicants who have gained admission. Persons who withdraw or resign after allegedly violating this Policy, who are not officially enrolled or engaged for a particular term but who have a continuing relationship with the College, may be considered community members for the purpose of this Policy. A person’s status as a community member or the applicability of this Policy in a particular situation shall be determined by the AVP of Title IX/EO in their sole discretion.

This Policy is neither designed nor intended to limit the College’s authority to discipline or take remedial action for conduct which is deemed unacceptable, regardless of whether that conduct satisfies the legal definition of unlawful discrimination, discriminatory harassment, or retaliation.

Any individual can experience or commit a violation, and discriminatory, harassing or retaliatory behaviors can occur between people of the same or different sex, sexual orientation, gender identity, gender expression, race, religion, color, national origin, age, disability status, or veteran status.

B. Sex-Based Discrimination and Harassment Policy

The College’s Sex-Based Discrimination and Harassment Policy is designed to comply

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

with Title IX of the Educational Amendments Act of 1972 and the regulations thereunder (as the same may be amended from time to time, “Title IX”). It defines prohibited conduct to be addressed under that policy, including, but not limited to, sex-based discrimination and harassment based on actual or perceived sex (including sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity or expression and marital or parental status), sexual harassment (including quid pro quo sexual harassment and hostile environment sexual harassment), sexual assault, domestic and dating violence, stalking, sexual exploitation, media-based misconduct, inducing incapacitation, aiding and assisting), and retaliation, violation of the prohibition of employee relationships with students, violation of the prohibition of relationships between supervisory employees and others, failure to report, violation of the duty of honesty or cooperation or other violation of that policy. It also describes the process by which the College will address such conduct in different circumstances. To review the Sex-Based Discrimination and Harassment Policy, reporting resources, other College and community resources, including confidential resources, availability of support measures, and related investigation and resolution procedures, please see the following link: Sex Discrimination and Sex-Based Harassment Policy (available at <https://www.holycross.edu/office-title-ix-and-equal-opportunity/policies-procedures>)

III. Core Principles Relating to this Policy

The College is committed to the following core principles:

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

⁵ This determination will be made by the AVP of Title IX/EO.

that they are consistent with these core principles and pursuant to procedures established by the College, including, but not limited to review of best practices and current professional standards. This Policy shall be made available in writing to any applicant, student or employee of the College upon request.

IV. Responsibilities of the AVP of Title IX/EO

The AVP of Title IX/EO (who also serves as the College's Title IX Coordinator and ADA/504 Coordinator) is charged with coordinating the College's program to comply with Title IX and other civil rights laws. This includes leading the College's efforts to respond to reports of conduct that could trigger this Policy. The AVP of Title IX/EO is available to meet with any individual to provide information about the implementation of this Policy or the Sex-Based Discrimination and Harassment Policy (including the availability of supportive measures and the informal resolution process, the investigation, and the formal resolution/sanction process), as well as discussing other resources within the College community and beyond. The AVP of Title IX/EO, and/or other qualified members of the College community, will assist, as necessary, with these efforts.

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

V. College Resources and Community Resources

There are several departments within the College community that can be called upon to respond to incidents of inappropriate behavior and can serve as supports to individuals in many ways. As relevant to this Policy and the Sex-Based Discrimination and Harassment Policy, these resources are available to both Complainants and Respondents and other community members regardless of where the alleged event occurred (except as prohibited by law).

A. Primary Confidential Resource Provider ("PCRP")

If you are not sure if you want the College to know there was an incident potentially involving sex discrimination, sex-based harassment, sexual assault, dating or domestic violence or stalking, you may wish to contact the PCRP. The PCRP is trained in awareness and prevention of these issues and in responding to harm in a sensitive manner to help individuals. The PCRP may review with the individual reporting options and the effects of each option; provide referrals to counseling on- or off-campus; provide information about available resources; explain the College's grievance procedures; provide information about how to contact the AVP of Title IX/EO and how to make a complaint; explain that the AVP of Title IX/EO may be able to offer and coordinate supportive measures, initiate an

informal resolution process or initiate an investigation under the grievance procedures; explain how the legal process is carried out through local law enforcement agencies; and inform the complainant of their rights and the College's responsibilities in obtaining a criminal protection order, a College no contact directive, and/or a College no trespass order. The PCRP will explain their confidential role, including that they may not disclose confidential information concerning sex discrimination and sexual misconduct without written consent unless otherwise required by state or federal law. The PCRP has no duty to report sex discrimination or sexual misconduct to the College or to the AVP of Title IX/EO. In addition, Massachusetts law states that a confidential communication with respect to sexual misconduct shall not be subject to discovery and shall be inadmissible in a criminal or civil proceeding without the prior written consent of the party who shared the information.

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

In addition to the PCRP, some other College employees serve in professional roles in which communications are provided privileged status under Massachusetts law (e.g., licensed mental health care providers, licensed medical providers, and ordained priests). Other College employees serve as sexual discrimination and sexual misconduct resources and are provided confidential status as a matter of Title IX and College policy (e.g., ombudspersons). All confidential employees may not report identifying information about behavior that may constitute sex discrimination or sexual misconduct which may implicate this Policy or Sex-Based Discrimination and Harassment Policy without a voluntary written waiver by the individual who supplied the information in question or otherwise in compliance with law.⁶ These confidential employees are instructed to inform individuals of their right to file a complaint under this Policy, the Sex-Based Discrimination and Harassment Policy and/or with the police and may assist in that process. They must also: provide information about how to contact the AVP of Title IX/EO and how to make a complaint; explain that the AVP of Title IX/EO may be able to offer and coordinate supportive measures, initiate an informal resolution process or initiate an investigation under the grievance procedures; and explain their confidential role, including that they may not disclose confidential information without written consent unless otherwise required by state or federal law. Confidential employees must also provide information described further at this [link](#) to a student, or a person who has a legal right to act on behalf of a student, when such person informs the confidential employee of the student's pregnancy or related conditions.

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

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

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

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

VI. Making Reports

A. Individual Reporting (Non-Anonymous)

Any individual may report behavior implicated by this Policy or the Sex-Based Discrimination and Harassment Policy to the AVP of Title IX/EO. Individuals may also make a report to, or discuss an allegation under those policies with, other College employees. The College recognizes that individuals may feel most comfortable discussing incidents, situations, and allegations with College employees whom the individual knows well. However, it is important to note that College employees, other than the confidential employees described above (when they are acting within the scope of their confidential duties), are obligated by College policy to disclose to the AVP of Title IX/EO reports and information shared with them that reasonably may constitute discrimination or harassment based on actual or perceived race, religion, color, national origin, age, veteran status, sex

(including, but not limited to sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity or expression, marital or parental status, sex-based harassment, sexual assault, dating or domestic violence, and stalking), disability, genetic information, and/or retaliation toward any member of the College community. These employees are known as “Responsible Employees.”

Responsible Employees must also provide the contact information of the AVP of Title IX/EO and information about how to make a complaint of discrimination to any person who provides them with information about conduct that reasonably may constitute discrimination or harassment. Finally, when a student, or a person who has a legal right to act on behalf of the student, informs any Responsible Employee of the student’s pregnancy or related conditions, unless the Responsible Employee reasonably believes that the AVP of Title IX/EO has been notified, the Responsible Employee must promptly provide that person with the AVP of Title IX/EO’s contact information and inform that person that the AVP of Title IX/EO can coordinate specific actions to prevent sex discrimination and ensure the student’s equal access to the recipient’s education program or activity.

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

B. Anonymous Reporting

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

C. Reporting to Law Enforcement

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

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

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

D. Other Government Reporting Options

Other state and federal agencies may also be available resources if an individual has been

subjected to discriminatory conduct that violates state or federal law. Individuals may file a formal complaint with the government agencies set forth below. Using the College's grievance procedures does not prohibit individuals from filing a complaint with these agencies.

These include:

- **U.S. Department of Education, Office of Civil Rights**
5 Post Office Square, 8th Floor
Boston, MA 02109
617-289-0111

- **U.S. Equal Employment Opportunity Commission**
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
617-565-3200/800-669-4000

- **Massachusetts Commission Against Discrimination**
 - Worcester: 18 Chestnut St., Suite 520, Worcester, MA 01608, 508-453-9630
 - Boston: 1 Ashburton Place, Boston, MA 02108, 617-994-6000
 - Springfield: 436 Dwight Street, Springfield, MA 01103, 413-739-2145
 - New Bedford: 800 Purchase Street, New Bedford, MA 02740, 508-990-2390

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

VII. Duty to Report Discrimination, Harassment, Retaliation and Other Misconduct⁷

Other than the confidential employees described above in Section V, all full-time and part-time faculty and all other employees (including those with administration and advising roles) are considered Responsible Employees who are mandated reporters. This means that they are obligated by the College to promptly disclose to the AVP of Title IX/EO reports and information

⁷ The College recognizes the importance of public awareness events such as “Take Back the Night,” candlelight vigils, “survivor speak outs” and other public forums to raise awareness and to allow community members to support each other and speak out. Holy Cross will not consider information conveyed from such events as a formal report, though information learned at such public events may be considered as it relates to broader sex-based harassment, and it may take action if the Title IX Coordinator indicates that there is an imminent and serious threat to the health or safety of any community member. This response can include the Title IX Coordinator offering and coordinating supportive measures, offering an informal resolution process, or initiating a complaint. Reports that do not indicate the need for an immediate response may be considered by the College to inform its prevention and education efforts. This includes providing tailored training on sex-based harassment when the College has information of multiple potential incidents at a location or in a program or activity.

shared with them that reasonably may constitute discrimination or harassment based on actual or perceived race, religion, color, national origin, age, veteran status, sex (including but not limited to discrimination based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity or expression, marital or parental status, sexual harassment, sexual assault, dating and domestic violence and stalking) disability, or genetic information or retaliation toward any member of the College community. These employees must also provide the contact information of the AVP of Title IX/EO and information about how to make a complaint of discrimination or harassment to any person who provides them with information about conduct that reasonably may constitute discrimination or harassment. In addition, College employees who are designated as campus security authorities (CSAs) for the purposes of the Clery Act must provide the Department of Public Safety with non-identifying statistical information regarding all reported incidents of Clery crimes (including, but not limited to, sexual assault, dating violence, domestic violence, stalking and hate crimes). Any questions about the reporting or confidentiality status of an individual may be directed to the AVP of Title IX/EO.

Any Responsible Employee who fails to make a report to the AVP of Title IX/EO upon learning of an allegation of prohibited conduct under this Policy, the Sex-Based Discrimination and Harassment Policy or the Policy on Protection of Children may be subject to disciplinary action under this Policy, the Sex-Based Discrimination and Harassment Policy or other appropriate College policies. For requirements regarding mandated reporting of child abuse and neglect, please see the Policy on Protection of Children at this [link](#).

VIII. Additional Considerations

A. Privacy; Requests for Confidentiality or No Investigation

The College will act with discretion regarding the privacy of individuals and the sensitivity of the situation when it receives a report of conduct that could trigger this Policy. The College will not share the identity of a Party except as necessary to carry out the College's grievance policies and procedures or as permitted by federal or state law. In addition, this provision does not limit disclosure of findings of responsibility if permitted by applicable law. There are certain instances in which the College has a broader obligation to the College community and may need to override an individual's request for privacy or a request that the College not investigate a matter or not continue with an investigation in which an individual is unwilling to continue to participate. This would most commonly be considered if the individual accused presents a broader threat to the health and safety of the community. Because such requests could impact the College's ability to appropriately address and resolve the behavior in question, the College will weigh these requests very carefully.

In these cases, the AVP of Title IX/EO will evaluate the request for confidentiality or that an investigation/discipline not occur (which requests must be in writing), including, but not limited to:

- whether the alleged conduct presents threat to the health or safety of any students, employees, or other persons;
- whether the alleged conduct prevents the College from ensuring equal access in any of its programs or activities;
- the Complainant's request not to proceed with initiation of a complaint;
- reasonable safety concerns regarding initiation of a complaint;
- the scope of the alleged discrimination, including whether there appears to be a pattern or history of alleged perpetration or violence;
- ongoing discrimination or that discrimination is alleged to have impacted multiple individuals;
- there exists a threat alleged that an individual threatened further or future violence or there is a risk that additional acts of discrimination would occur if a complaint were not initiated;
- the severity of the alleged discrimination, including whether the discrimination, if established, would require the removal of an individual from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
- whether the misconduct was alleged to have been committed by multiple parties;
- the age and relationship of the parties, including whether the Respondent is an employee of the College and/or whether the Respondent holds a position of power over the impacted individual(s) or others;
- the impacted individual is a minor;
- a party does not want to go forward because of threats, coercion or other conduct that could be viewed as a form of intimidation;
- the availability of evidence to assist a decision-maker in determining whether discrimination occurred; and
- whether the College could end the alleged discrimination and prevent its recurrence without initiating its grievance procedures.

If the AVP of Title IX/EO decides to initiate a complaint, they will inform the Complainant prior to proceeding and will, to the extent possible, share this information only with the individuals responsible for handling the College's response and others involved in the investigation and oversight thereof. If a Complainant requests that the College inform the Respondent that the Complainant asked the College not to investigate or seek discipline, the College will honor the request and inform the Respondent that the College made the decision to proceed independently.

If AVP of Title IX/EO decides not to initiate a complaint, they will consider continuing supportive measures for the Complainant, such as increased or targeted education or prevention measures, increased monitoring, security or supervision, conducting surveys and/or revisiting its policies and practices. If utilized, such action is not a form of sanction.

B. No Retaliation

The College will not tolerate retaliation against any persons for their participation or involvement in the reporting, investigation, and/or resolution of matters reported or subject to this Policy. The College will take appropriate steps to prevent and/or address retaliation.

Retaliation constitutes a very serious violation of this Policy and should be reported immediately to the AVP of Title IX/EO. Please see the definition of retaliation in Section IX below.

C. Recording the Proceedings

Parties, advisors, and witnesses are not permitted to make video, audio, or other electronic, photographic, or digital recordings of any meetings or proceedings held under this Policy. The AVP of Title IX/EO may make exceptions to this prohibition in limited circumstances if such person concludes, in their sole discretion, that a recording is warranted, and upon written request of the Party seeking the recording that explains the need for the recording.

IX. Prohibited Conduct and Other Important Definitions

The definitions in this section apply to all College community members. All members of the College community are responsible for being familiar with and abiding by them. This section includes not only the definition of Prohibited Conduct, but other important concepts like consent and incapacitation, of conduct that is prohibited under this Policy, together with certain other definitions used in the Policy. If you have any questions about a definition or application of any of these terms or the Policy in general, please contact the AVP of Title IX/EO.

A. Discrimination Based on Race, Religion, Color, National Origin, Age, Veteran Status, Disability, Genetic Information or Other Legally Protected Status

An intentional or unintentional act that adversely affects employment and/or educational opportunities because of a person's race, religion, color, national origin, age, veteran status, disability, genetic information, or any other legally protected status.

**Important Note:* Discrimination and harassment based upon sex (including on the basis of sex stereotypes, sex characteristics, sexual orientation, gender identity or expression, marital or parental status, pregnancy or related conditions) is addressed pursuant to the Sex-Based Discrimination and Harassment Policy but may be addressed pursuant to this Policy if not required to be addressed under the Sex-Based Discrimination and Harassment Policy as determined in the sole discretion of the AVP of Title IX/EO.

Discrimination may be classified as either disparate impact (facially neutral practices that fall more harshly on one group than another and cannot be justified by business necessity) or disparate treatment (treatment of an individual that is less favorable than treatment of others based upon discriminatory reasons unless based upon legitimate lawful exceptions (such as bona fide occupational qualifications or the ability to maintain separate sports teams)). In addition, discrimination is also prohibited against individuals who associate with members of a protected class and thereby experience discriminatory treatment based on that association, even if they are not members of a protected class themselves.

Examples:

- Refusing to hire or promote a person because of the person's age (any age over 40);
- Treating persons differently from others because of assumptions about, or stereotypes regarding, the aptitude, intellectual ability or interest of a group based upon race, religion, color, national origin, age, veteran status, disability, or genetic information;
- Unlawful disparity in the terms, conditions and privileges of employment based upon race, religion, color, national origin, age, veteran status, disability, or genetic information;
- Difference in treatment in educational programs based upon race, religion, color, national origin, age, veteran status, disability, or genetic information; and
- Terminating an employee's employment on the basis of the employee's relationship or association with an individual with a disability or of a particular race.

B. Discriminatory Harassment Based on Race, Religion, Color, National Origin, Age, Veteran Status, Disability, Genetic Information or Other Legally Protected Status

Unwelcome conduct that is based on or motivated by an individual's actual or perceived race, religion, color, national origin, age, veteran status, disability, genetic information, or any other legally protected status that is severe or pervasive and creates an intimidating, hostile or offensive living, working or educational environment, or has the purpose or effect of unreasonably interfering with an individual's employment, academic performance, education, or participation in extracurricular programs or activities.

Discriminatory harassment may take many forms, including physical, verbal, and nonverbal acts and written statements in any manner or media. Discriminatory harassment does not have to include intent to harm or be directed at a specific target. Isolated comments, unless extremely serious, will generally not rise to the level of discriminatory harassment under this Policy. Determinations are made based upon the totality of the circumstances involved including, but not limited to, the relationship of the Parties and the frequency of the conduct. Reasonable directives by supervisors, educators, or otherwise authorized College personnel regarding the methods employed to carry out employment or educational assignments are not considered harassing under this Policy.

Examples of conduct contributing to discriminatory harassment include:

- Unwelcome conduct or material that denigrates or shows hostility or aversion to an individual because of their race, religion, color, national origin, age, veteran status, sex, disability, genetic information;
- Epithets, slurs, negative stereotyping that relate to race, religion, color, national origin, age, veteran status, disability, genetic information;

- Threatening, intimidating, or hostile acts that relate to race, religion, color, national origin, age veteran status, disability, genetic information

C. Retaliation

Intentionally engaging in conduct to:

- Adversely affect a person's educational, living, or work environment because of their good faith participation in the reporting, investigation, and/or resolution of a report of a violation of this Policy. "Adversely affect" for this purpose means any action that is reasonably likely to deter a person from such participation and does not include petty slights or trivial annoyances.
- Discourage a reasonable person from making a report or participating (in any capacity) in an investigation under this Policy, the Sex-Based Discrimination and Harassment Policy or any other College policy, or any other local, state, or federal complaint process, *e.g.*, filing a complaint with an entity like the U.S. Department of Education.

Retaliation includes, but is not limited to, acts or words that constitute intimidation, threats, or coercion intended to pressure any individual to participate, not participate, or provide false or misleading information during any proceeding under this Policy. Retaliation may include abuse or violence, other forms of harassment, and/or making false statements about another person in any manner or media with intent to harm their reputation.

Retaliation can be committed by any individual or group of individuals, not just by a Respondent or a Complainant. Retaliation may constitute a violation of this Policy even when the underlying report made did not result in a finding of responsibility. Retaliation, even in the absence of provable discrimination or discriminatory harassment, constitutes a serious violation of this Policy.

Retaliation may also be reviewed under the Sex-Based Discrimination and Harassment Policy as it is defined in that policy.

D. Relationship Violence (Dating Violence or Domestic Violence)

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

frequency of the interaction between the parties involved in the relationship. This is not an exhaustive list of considerations to determine the nature of a relationship.

E. Stalking

Stalking is a course of conduct (i.e., more than one instance) involving unwanted attention, harassment, physical or verbal contact directed at an individual that would cause a reasonable person to fear for the person's safety, or the safety of others, or suffer substantial emotional distress. Stalking can occur in person or using technology (cyber-stalking), and the duration, frequency, and intensity of the conduct will be considered. Stalking tactics can include, but are not limited to watching, following, using tracking devices, monitoring online activity, unwanted contact, property invasion or damage, hacking accounts, threats, violence, sabotage, and attacks. Cyber-stalking is a particular form of stalking in which electronic media such as the internet, social networks, blogs, texts or other similar forms of contact are used to pursue, harass, or make unwelcome contact with another person. Stalking and cyber-stalking may involve individuals who are known to one another or have an intimate or sexual relationship or may involve individuals not known to one another. To the extent that the stalking behavior is not based on sex (including discrimination based on sex stereotypes, sex characteristics, pregnancy or related conditions sexual orientation, gender identity or expression, marital or parental status) and/or a prior sexual or amorous relationship between the parties, it may be addressed under this Policy. The College also reserves the right to address it through any other applicable policy.

F. Sexual Exploitation

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

G. Inducing Incapacitation

This includes the provision of alcohol or drugs to an individual, with or without that individual's knowledge, for the purpose of causing impairment or intoxication to allow another person to take advantage of that individual's impairment or intoxication. The

College also reserves the right to adjudicate Inducing Incapacitation under this Policy if the College, in its sole discretion, is satisfied that the behavior does not rise to the level of constituting sex-based discrimination or sex-based harassment as defined in the Sex-Based Discrimination and Harassment Policy.

H. Media-Based Misconduct

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

I. Aiding or Assisting

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

J. Possession of Illegal Pornography

Possession of pornography that is unlawful under applicable law is prohibited. This includes, but is not limited to, child pornography.

K. Other Inappropriate Sexual Behavior

Unwelcome conduct of a sexual nature that does not rise to the level of severe or pervasive but is unreasonable in a living, working or educational environment.

L. Violation of Prohibition of Employee Relationships with Students

No faculty member or other employee (whether permanent, temporary, full- or part-time),

vendor, contractor or volunteer may engage in any type of romantic or amorous relationship or sexual activity of any type, even if consensual, with a student at any time. Student-employees are not considered “employees” for the purpose of this paragraph. The College may make exceptions to this prohibition on a case-by-case basis and only with the express prior written approval of the Vice President of Human Resources and the Title IX Coordinator.

M. Violation of Prohibition of Relationships between Supervisory Employees and Others

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

N. Other Violation⁸

Any other violation of the prohibitions set forth in this Policy or the Sex-Based Discrimination and Harassment Policy (excluding any alleged violation required to be addressed under the Sex-Based Discrimination and Harassment as determined by the AVP of Title IX/EO). This includes, but is not limited to, violation of the prohibition on employee relationships with students, violation of the prohibition of supervisory employee relationships with others, violation of the duty of honesty or cooperation, a failure to make a mandated report by a Responsible Employee, recording the proceedings, or other violation of this Policy or the Sex-Based Discrimination and Harassment Policy, as determined by the AVP of Title IX/EO. The College retains discretion to adjudicate the allegation separately or under this Policy, another College policy or procedure.

⁸ There shall be no Complainant rights under this policy with respect to any alleged “Other Violation” which matters will be brought directly by the College.

O. Additional Prohibited Conduct Definitions.

1. Sex-Based Discrimination and Harassment Policy Definitions. The definitions of the following terms are the same as the definitions set forth in the Sex-Based Discrimination and Harassment Policy.

- Sex-Based Discrimination
- Sex-Based Harassment
- Sexual Harassment, Quid Pro Quo Harassment, Hostile Environment Harassment
- Sexual Assault
- Consent, Coercion, Incapacitation.

P. Miscellaneous

The inappropriate behaviors listed above are not an exhaustive list. The College may consider any other conduct that has a legally-protected class connotation under this Policy.

Q. Additional Definitions

- **Complainant.** A student or employee, or an individual who was participating in, or attempting to participate in, the College programs or activities, who alleges that they experienced a form of Prohibited Conduct that may have violated the policy.⁹ The College may bring a complaint with respect to a Respondent without a Complainant.
- **Respondent.** The individual who is alleged to have violated the policy.
- **Parties/Party.** The Complainant and the Respondent collectively are referred to as the “Parties” and each individually as a “Party.”
- **Teaching Faculty Member.** An employee who is designated as a teaching faculty member pursuant to the *Statutes of the Faculty*.

X. Procedure for Investigation and Resolution of Complaints (the “Procedure”)

⁹ There may be instances where another person, who has not experienced but is aware of the occurrence of prohibited conduct, may report such matter pursuant to this policy. In those limited circumstances, the AVP of Title IX/EO will determine which of the protections provided to the Complainant under the policy are also applicable to the reporting party. However, reporting individuals are not Complainants for the purpose of the policy.

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

A. Initial Steps

After receiving a report of conduct that could fall under this Policy, the AVP of Title IX/EO¹⁰, in consultation with other College personnel as the AVP of Title IX/EO determines is appropriate, will take several initial steps. These initial steps are not an investigation. Rather, these initial steps will enable the College to assess whether the reported conduct reasonably may constitute a violation of this Policy, the need to take any immediate action to address the safety and health needs of the Complainant or others within the College community, and to determine the next steps for investigating the reported conduct and the need for any supportive measures.

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

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

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

2. Supportive Measures. At any time in the process, whether or not a formal complaint is filed, the AVP of Title IX/EO will offer and coordinate for the Parties, if

¹⁰ Where the AVP of Title IX and EO is listed as the designated point of contact for any role in this policy, they may designate one or more other qualified member(s) of the College community to assume the role at issue, as necessary and appropriate. Where another College official or group of officials or employee(s) is listed as the designated point of contact for any role in the policy, they may designate other College official(s) or employee(s) to assume the role at issue, as necessary and appropriate.

applicable, reasonably available and appropriate supportive measures. Supportive measures are non-disciplinary, non-punitive individualized services, offered as appropriate, as reasonably available, and without fee or charge to either the Complainant or the Respondent.

Supportive measures are designed to restore or preserve equal access to the College's educational programs or activities, to protect the safety of the Parties or the College's educational environment, and to provide support during the grievance procedures or the Informal Resolution Process. They may be continued after the end of the grievance procedures, or an informal resolution is reached.

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

The AVP of Title IX/EO will assess and implement supportive measures in consultation with other College employees as appropriate and others who are needed in order to implement any such measures. The AVP of Title IX/EO may consult with the Office of Student Accessibility Services to assess disability-related accommodations. Where the Respondent is an employee, the College may place the employee on paid administrative leave, either as a supportive measure or as an interim non-punitive administrative leave.

3. Presumption of Non-Responsibility. Individuals who are reported to have engaged in Prohibited Conduct under this Policy are presumed to be not responsible for violating this Policy and will not be issued any disciplinary sanction unless it is determined, through College procedures, by a preponderance of the evidence, that they have violated this Policy or other College policy.
4. Interim Removal and/or Restriction. The AVP of Title IX/EO will assess reported conduct to determine whether the circumstances warrant interim removal from any of the College's education programs and activities or other interim protections, including, but not limited to, temporarily removing an individual from a leadership, advising, or other position, or temporarily suspending or restricting one or more aspects of an individual's activities or privileges prior to completing an investigation. During the interim action, the College reserves the right to prohibit the individual from entering upon the College's property or participating in any College activities absent written authorization from an appropriate College official. The failure of an individual to comply with an interim restriction is a violation of

this Policy and may lead to additional disciplinary action. The decision to impose interim restrictions will be communicated by the AVP of Title IX/EO in writing and will be effective immediately. An interim removal or restriction assessment may be made upon receiving notice, upon a complaint being filed, and/or during the grievance procedures or Informal Resolution Process. If the AVP of Title IX/EO, in consultation as appropriate with College employees, determines that there is a risk to health or safety of a Complainant or any other member of the College community, they may remove a Respondent on an interim basis from any of the College's education programs and activities. The risk need not be a physical threat. In addition, if the Respondent is an employee, the College may place the employee on paid administrative leave, either as a supportive measure or as an interim non-punitive paid administrative leave as determined in the sole discretion of the AVP of Title IX/EO in consultation with other College employees. The decision to remove an individual will be communicated by the AVP of Title IX/EO to the affected individual(s) in writing and will be effective immediately. The interim removal process will not be construed to modify any rights under Section 504 or the Americans with Disabilities Act. Any such measure will not be considered or documented by the College as a disciplinary sanction.

5. Assessment of Policy Applicability. The AVP of Title IX/EO will assess whether the conduct that is alleged may be required to be addressed pursuant to the Sex-Based Discrimination and Harassment Policy, and if so, will discuss the Sex-Based Discrimination and Harassment Policy with the Complainant. If the conduct that is alleged is not required to be addressed pursuant to the Sex-Based Discrimination and Harassment Policy and also constitutes prohibited conduct under this Policy, the matter may be addressed pursuant to this Policy. The AVP of Title IX/EO will determine which policy is applicable and may revisit such determination, as determined to be necessary in their sole discretion at any time.
6. Policy Not Implicated; Dismissal. If the AVP of Title IX/EO determines that the reported conduct would not, in any way, implicate this Policy or must be addressed pursuant to the Sex-Based Discrimination and Harassment Policy or another College policy, they will advise the Complainant of such in writing and may dismiss the Complaint and, if applicable, refer the reported conduct to the appropriate administrator for handling consistent with any other appropriate College policy. (If new information is subsequently provided, the decision whether or not to investigate the reported conduct may be reevaluated.) In addition, the College may dismiss a Complaint if, at any time during the investigation or grievance procedures, one or more of the following grounds are met:
 - The College is unable to identify the Respondent after taking reasonable steps to do so.
 - The Respondent is not participating in the College's program or activity, or employed by the College.
 - The Complainant voluntarily withdraws any or all the allegations in the Complaint in writing, the AVP of Title IX/EO declines to initiate a Complaint,

and the remaining allegations, if proven, would not constitute a Policy violation: or

- The College determines the conduct alleged in the Complaint would not constitute a Policy violation, if proven.

If the complaint is dismissed, the College will advise the Complainant in writing. If the dismissal occurs after the Respondent has been notified, then the College will simultaneously notify the Respondent of the same information. Note that the College also retains the right to dismiss a matter at any point if the Complainant refuses to participate in the matter and the College determines there is not a separate justification to continue the matter. In addition, the AVP of Title IX/EO may refer the matter to other College official(s) for review under any other applicable policy.

Whether or not a complaint is initiated, the AVP of Title IX/EO will consider continuing supportive measures for the Complainant as well as taking prompt and effective broader remedial action, such as increased or targeted education or prevention measures, increased monitoring, security, or supervision, conducting surveys and/or revisiting its policies and practices. If utilized, such action is not a form of sanction.

7. Disability Accommodations. If any person requires an accommodation because of a disability to access any part of this process, they may make that request to the Office of Accessibility Services by telephone at 508-793-3693 (students) or the Office of Human Resources (employees and others). Any accommodations will be provided in consultation with the AVP of Title IX/EO.

B. Optional Informal Resolution Process

1. At any time prior to convening the Determination Official(s) for a decision, the College may offer an Informal Resolution Process to the Parties, unless it would conflict with Federal, State, or local law. A Party may request an alternative resolution of a complaint rather than an investigation by contacting the AVP of Title IX/EO in writing. All Parties and the AVP of Title IX/EO must voluntarily agree in writing to use the informal resolution process, including the form the process will take, prior to the option being used. The facilitator of any such informal resolution process will not be the Investigator or any person assigned to a decision-making role in the College's grievance procedures.
2. Discretion. The College has discretion to determine if an Informal Resolution Process is appropriate, even if requested by one or both Parties. The AVP of Title IX/EO will assess the request for alternative resolution against the severity of the alleged violation and the potential risks to College community members. If the AVP of Title IX/EO determines that alternative resolution is appropriate, the AVP of Title IX/EO will notify the Parties.

3. Notice. Before the Informal Resolution Process begins, the Parties will be provided with a written notice that includes the allegations as known by the College at that time and the fact that participation must be voluntary.
4. Process and Potential Outcome for Informal Resolution. The informal process may take several forms. A facilitator may be assigned to convene a dialogue with the Parties to reach a resolution. Other forms of alternative resolution may include a remedies-based resolution approach, restorative justice practices, or any other measures deemed appropriate by the AVP of Title IX/EO. The alternative resolution process will be conducted in accordance with procedures specified by the AVP of Title IX/EO, as determined in their sole discretion and will be disclosed in advance to the Parties. In addition, all resolutions must be approved by the AVP of Title IX/EO in consultation with other appropriate College administrators. A Party may withdraw from the informal resolution process at any time.

Potential outcomes include, but are not limited to, restrictions on contact; restrictions on participation in one or more of the College's programs or activities or attendance at specific events, including restrictions the College could have imposed as remedies or disciplinary sanctions had there been a determination that the discrimination, harassment or other violation had occurred. While the Parties are seeking resolution that may be appropriate to their individual needs, the College reserves the right to reject an Informal Resolution outcome in its sole discretion. In addition, the AVP of Title IX/EO may initiate an investigation at any time that they deem appropriate in their sole discretion.

C. The Investigation Phase

1. Notice of an Investigation. If it is determined that the reported conduct implicates this Policy and an investigation is required, the AVP of Title IX/EO will prepare a written notice to the Complainant and Respondent that will include a brief summary description of the allegations (including, if and to the extent known, the date, time and location of the alleged misconduct, and the name of the Complainant) and the specific portions of this Policy that are alleged to have been violated and by what alleged actions, any interim supportive measures in place about which either Party must be made aware, and a statement that retaliation is prohibited. This written notice does not constitute a finding or a determination of responsibility.
2. Information about Advisor and Support Person
 - (a) Advisor. In cases alleging (i) sexual assault, dating or domestic violence or stalking, or (ii) discrimination or harassment which both the Complainant(s) and Respondent(s) are either student(s) or current employee(s), each Party may have a single advisor of their choice (which may be an attorney) present during disciplinary proceedings pursuant to this Policy, including any related meeting or interview, held pursuant to this Policy. Employees who are union members

are entitled to an advisor as applicable with respect to their Weingarten rights. Once an advisor has been selected by a Party, the Party must provide the name of the advisor to the AVP of Title IX/EO. Changes to the advisor selected by a Party may be made for good cause with the prior approval of the AVP of Title IX/EO, as determined in their sole discretion. Advisors may not participate actively (including, but not limited to, acting as a speaking advocate or posing questions or making comments) while present at any disciplinary proceeding and may not speak, write, or otherwise communicate on the part of the Party that the advisor is advising at any time. However, the advisor may ask to suspend any meeting, interview, or hearing briefly to provide private consultation related to the disciplinary proceeding in progress. An advisor is subject to the same expectations regarding non-retaliation applicable to others in attendance. Accommodations, including scheduling of interviews or reviews or changes to location, generally will not be made for any advisors if they significantly delay or impact the process. The advisor is not permitted to attend a meeting or proceeding without the Party they are advising being present without the prior approval of the AVP of Title IX/EO, as determined in their sole discretion. Individuals managing the proceeding in question (e.g., investigators or other Office of Title IX and Equal Opportunity staff) may delay or terminate meetings, remove or dismiss advisors, and/or proceed with the investigation if an advisor is disruptive, disrespectful or otherwise refuses to comply with the requirements of this Policy. The College reserves the right to take additional appropriate action regarding any advisor who disrupts the process, or who does not abide by the restrictions on their participation or communication as determined in the sole discretion of the AVP of Title IX/EO. A union-represented employee who is a Respondent may choose as an advisor a person who is not a union representative, if the Respondent does not desire to have the union representative participate in the proceeding.

- (b) Support Person. In cases alleging (i) sexual assault, dating or domestic violence or stalking, or (ii) discrimination or harassment in which both the Complainant(s) and Respondent(s) are either student(s) or current employee(s), each Party may have a single support person of such Party's choice (including, but not limited to, a Primary Confidential Resource Provider (as defined in the Sex-Based Discrimination and Harassment Policy, if applicable) present during any College grievance proceeding. This support person may only provide emotional support to such Party and may not assume the same role(s) as the advisor. Once the support person has been selected by a Party, the Party must provide the name of the support person to the AVP of Title IX/EO. Individuals managing the proceeding in question (e.g., investigators, Title IX and Equal Opportunity staff) may delay or terminate meetings, remove or dismiss support persons, and/or proceed with the investigation if a support person is disruptive, disrespectful or otherwise refuses to comply with the requirements of this Policy. The support person is not permitted to attend a meeting or proceeding without the Party they are supporting being present. The College reserves the

right to take appropriate action regarding any support person who disrupts the process, or who does not abide by the restrictions on their participation. Support persons are not entitled to review evidence or any Investigation Report and are not entitled to speak during any proceeding or communicate in any manner on behalf of a Party. The AVP of Title IX/EO retains sole discretion to limit the support person role if it is being used unfairly by a Party or is in violation of any restriction. For example, if a Party chooses an attorney as their advisor, the Party cannot choose a second attorney to assist the advisor to circumvent the rule for a single advisor. The College reserves the right to take appropriate action regarding any support person who disrupts the process or who does not abide by the rules for participation. Meetings and proceedings will not be scheduled or delayed for support person attendance.

3. Designation of Investigator(s) and Determination Official(s). The AVP of Title IX/EO will designate at least one investigator¹¹ (the “Investigator(s)”) to conduct a prompt, effective, and impartial investigation of the reported conduct and prepare a report of investigative findings (the “Investigation Report”). The AVP of Title IX/EO will provide the Parties with the names of the person(s) to act as the Investigator(s) and a list of potential persons who may act as the Determination Official(s) (as defined below) from a pool of employees trained to decide cases with respect to this Policy who may be an Investigator in the matter or an employee in the Office of Title IX and Equal Opportunity. As soon as possible, but no later than three (3) business days¹² after delivery of the identity of the Investigator(s) and potential Determination Official(s), the Parties must inform the AVP of Title IX/EO in writing of any conflicts of interest and/or alleged bias regarding the named individuals. The AVP of Title IX/EO will consider the nature of the conflict and/or bias and determine if different individuals should be assigned. The AVP of Title IX/EO may consult with other College personnel to discuss any conflicts of interest¹³ and/or alleged bias. The AVP of Title IX/EO’s decision regarding any conflicts or alleged bias is final. Following the conflict review and completion of the Investigation Report, the AVP of Title IX/EO will appoint one or more Determination Officials (the “Determination Official(s)”) to make the determination with respect to alleged violation(s) pursuant to this Policy, as determined in their sole discretion. In the event of a claim against a Teaching Faculty Member, the Determination Official(s) will include at least one employee who is a Teaching Faculty Member.

4. Nature of the Investigation. The investigation will include separate interviews by

¹¹ At the College’s discretion, the investigator may be an internal or an external investigator and more than one investigator may be assigned. All investigators – internal or external – will be selected from a group of qualified and trained individuals employed by the College or engaged by the College for the purpose of conducting investigations under this policy.

¹² Business days, for the purpose of this Policy, excludes only Saturday, Sunday and traditional and floating holidays as published on the College’s holiday calendar available at this [link](#).

¹³ The AVP of Title IX/EO will consult with the chair of the Committee of Faculty Affairs with respect to any conflict of interest raised by a Teaching Faculty Member.

the Investigator(s) with the Complainant, the Respondent, and any witnesses whom the Investigator(s) believe will provide necessary and relevant information. The investigation may include the review of documentation or other items relevant to the reported conduct. The Investigator(s) will provide the Parties with written notice of meetings at which their presence is required.

5. The Parties' Identification of Potential Witnesses and Documentation. The Parties have the equal opportunity (and are expected) to provide the Investigator(s) with the identification of potential witnesses who have relevant and specific information about the reported conduct and with whom they would like the Investigator(s) to speak. The Parties also have the opportunity (and are expected) to provide the Investigator(s) in a timely manner any evidence, documentation or other items or questions they would like to be considered or posed to any witness or the other Party. All information and questions described in this section must be presented to the Investigator(s) in writing and include a brief description as to how the persons, documents, and/or items are relevant to the reported conduct. This information must be provided to the Investigator(s) during the Investigation Phase and without delay upon becoming aware of it. The Investigator(s) will determine, in their sole discretion, what information and questions to consider and which potential witnesses identified by the Parties can provide relevant information to the investigation. In addition, if a Party or witness fails to respond to communications by the Office of Title IX & Equal Opportunity within a reasonable timeframe, the College may proceed with the investigation in their absence with notice provided.
6. Investigation Prohibitions. Neither Party will be permitted to question or cross-examine directly the other Party directly during the investigation or disciplinary proceedings; questions for the other Party may be submitted to the Investigator(s) for consideration as described above. Moreover, the Investigator(s) generally will not gather or consider information related to either Party's sexual history outside of the conduct in question except as relevant to the alleged policy violation, as determined in the sole discretion of the Investigator(s).

D. Investigation Report; Report Review

1. Content of the Investigation Report. At the conclusion of the Investigation Phase, the Investigator(s) will prepare a Draft Investigation Report, which should include a description of the allegations and the implicated Policy provisions, a list of witnesses and documentation gathered, a summary of the factual information presented during the Investigation Phase, and a separate section in which the Investigator(s) point out relevant consistencies or inconsistencies (if any) between different sources of information. The Investigator(s) may, but are not required, to share their perspective of Party or witness demeanor and of the reliability of the evidence if they believe it is relevant to the adjudication decision to be made by the Determination Officer(s). The Investigation Report will not include a determination by the Investigator(s) as to whether a Party has violated the policy or what sanctions

may be appropriate. These determinations will be made by the Determination Official(s) and Sanctioning Official, if applicable, as described below. The draft format of this Investigation Report is important and it reflects that the Investigator(s) may supplement or conduct additional investigation or that additional information that may be incorporated. This Policy shall be provided as an exhibit to the Investigation Report, which includes information regarding the submission and consideration of evidence during a grievance proceeding.

2. Review by the Parties. The Parties will have an opportunity to review the Draft Investigation Report and all relevant evidence collected by the Investigator(s) and may submit written comments about the content of the Draft Investigation Report to the Investigator(s) within five (5) business days of the date they are notified that the Investigation Report is available for review. This review will take place at a location and in a manner determined by the AVP of Title IX/EO. The time to submit written comments can be extended for a brief period if the AVP of Title IX/EO concludes, in their sole discretion, that the additional time is warranted. Each Party may have such Party's permitted advisor review the Investigation Report with them. Neither the Complainant nor the Respondent (or their advisors, including but not limited to family members and/or legal counsel) may copy, remove, photograph, print, image, record, or in any manner or media otherwise duplicate or remove the Draft Report or any of the information provided. Any individual who fails to abide by this provision may be subject to discipline and/or may be excluded from further participation in the process. The comments submitted by the Parties may not exceed ten (10) double spaced pages (12-point font and one-inch margins) unless a higher page limit is otherwise determined to be necessary and appropriate in the sole discretion of the AVP of Title IX/EO. After reviewing the submissions, if any, from the Parties, the Investigator(s) may determine that either additional investigation is required or no further investigation is needed. If further investigation is conducted, the Investigator(s) will include any additional relevant information in the Investigation Report. Any submissions made by either Party pursuant to this section, as well as any other documentation deemed relevant by the Investigator(s), will be attached to the Investigation Report. The AVP of Title IX/EO will then submit the Investigation Report and attachments to the Determination Official(s) for review.
3. Respondent Voluntary Agreement to Policy Violation. At any point prior to the Determination Official(s)'s determination of responsibility, a Respondent may agree in writing to the alleged violation(s) of the policy. The Title IX Coordinator maintains discretion to accept this agreement if it is in the best interest of the College community. If accepted, the matter will be referred for sanctions pursuant to Section X.F below. The College may also determine appropriate remedies will be afforded to the Complainant.

E. Determination of Responsibility

1. Review and Determination by Determination Official(s). The Determination Official(s) will review the Investigation Report and attachments and will make a determination as to whether or not the Respondent is responsible for violating the policy by having engaged in some or all of the reported conduct. The Determination Official(s) has the authority to accept the Investigation Report without seeking additional investigation or questioning, or to ask the Investigator(s) to conduct additional investigation or questioning on specific points. The Determination Official(s) has discretion to speak with or solicit input directly from both Parties, the Investigators, or any persons identified in the Investigation Report if they have questions. The Determination Official(s), as the ultimate decision-maker in the matter, is provided broad discretion. In appropriate circumstances, the AVP of Title IX/EO may give special instructions to the Determination Official(s). Where there are more than one Determination Officials, they are encouraged to seek unanimity in result, though they may make determinations based on a majority.
2. Preponderance of the Evidence. All findings and determinations of responsibility for a violation will be made using a preponderance of the evidence standard. This standard requires the determination of whether it is more likely than not that a fact exists or a violation of this Policy occurred. Please note that the preponderance of the evidence standard is not the standard used for criminal culpability and a determination of responsibility under this Policy does not equate with a finding of a violation of criminal laws. Conversely, lack of a prosecution or conviction in a criminal proceeding does not necessarily imply that this Policy was not violated. The two procedures are significantly different and utilize different standards for determining violations, and different definitions.
3. Notification of Decision to AVP of Title IX/EO. Upon reaching a determination of responsibility, the Determination Official(s) will provide a written notification of their decision to the AVP of Title IX/EO along with its rationale. The notification will consist of a brief statement of the allegations and the determinations made by the Determination Official(s). While the notification may, at the discretion of the Determination Official(s), include a brief description of the determination process, and if requested by the AVP of Title IX/EO, it may include any recommendations for sanctions with respect to Respondents who are employees or faculty members. If sanctions are necessary, the sanctions will be assigned in accordance with Section X.F below. If the Determination Official(s) found that discrimination, harassment or other violation occurred, the AVP of Title IX/EO will inform the Parties of the decision of the Determination Official(s) and that the matter is referred to a Sanctioning Official that will assign sanctions.
4. Consolidation. The College reserves the right to consolidate cases in which there are one or more Complainants and/or one or more Respondents, as defined under this Policy. The College will consolidate cases where the allegations arise out of the same facts or circumstances or implicate a pattern. For example, if during a single College-sponsored event a Respondent is alleged to have committed prohibited conduct against more than one Complainant, the College may

consolidate those complaints for investigation and adjudication under this Policy. If a case is consolidated, the College will consider individualized supportive measures, as appropriate, and will provide individual notice to each Party. All Parties are entitled to the process set forth in this Policy and the College reserves the right to issue a single Investigation Report, and otherwise modify the Policy as needed or appropriate to effect consolidation of cases. The College may also consider prior relevant findings of responsibility and/or the totality of the findings of responsibility in considering an appropriate sanction and after the Respondent is separately found responsible for each allegation.

F. Determining Sanction(s)

1. **Sanctioning Decision.** No later than three (3) business days after delivery of the Determination Official(s)' notification of decision and information about who the Sanctioning Official will be, the Parties must inform the AVP of Title IX/EO (in writing) of any conflicts of interest and/or bias regarding the Sanctioning Official. The AVP of Title IX/EO, in consultation with other College officials as appropriate, will determine whether a disqualifying conflict of interest and/or bias exists, in which case the AVP of Title IX/EO will appoint a different Sanctioning Official. The AVP of Title IX/EO's decision regarding any conflicts is final. The AVP of Title IX/EO will provide the Sanctioning Official with a copy of the Determination Official(s)' written notification of determination of responsibility as well as the Investigation Report, the Parties' responses to that Report (if any), and information provided by Human Resources, Community Standards or other appropriate department concerning any prior College discipline of the Respondent. Following determination of sanction(s), the Sanctioning Official shall notify the AVP of Title IX/EO of the sanction(s).
 - **Students.** Sanctions regarding students will be determined by the Associate Dean of Students (or their designee), who may do so in consultation with other College officials.
 - **Teaching Faculty.** Sanctions regarding teaching faculty will be determined by the Provost/Dean of the College (or their designee) in consultation with other College officials as appropriate. If the Sanctioning Official determines that a sanction of dismissal of a Teaching Faculty Member is recommended, the sanction will be reviewed under the process set forth in Section X.H.2.
 - **Exempt Employees, Other Than Teaching Faculty.** Sanctions regarding exempt employees, as defined by the College, will be determined by the Employee's Senior Vice President or Vice President (or their designee) or in the case of an employee in the Athletics Department or who reports to the President, the President's designee. The Vice President of Human Resources (or their designee) will be consulted, and any other College officials may be consulted, on any sanction. In case of a finding with respect to the President, the Executive

Committee of the Board will determine the appropriate sanction.

- **Non-Exempt Employees and Third Parties.** Sanctions regarding non-exempt employees, as defined by the College, including vendors, independent contractors and other third parties will be determined by the Vice President of Human Resources (or their designee), who may consult with other College officials, as appropriate.
2. Types of Sanctions. The following are a non-exhaustive list of sanctions that may be considered in individualized situations and a full list of sanctions with respect to findings of sexual assault, dating violence, domestic violence, and stalking. Note that sanctions may be combined and tailored to the behavior for which the Respondent was found responsible:
- (a) **Employees, including Faculty Members.** Sanctions for Respondents who are faculty members or other employees may include, but are not limited to, one or more of the following: dismissal from employment, non-renewal of an employment contract, suspension (without pay), probation, reprimand, warning, restitution, training and/or counseling, no-contact order, removal from an administrative appointment, removal of one or more job responsibilities with a corresponding salary reduction, removal from a committee, removal from a leadership position, reassignment of advisees, prohibition against new advisees, limitation or loss of rights or privileges, loss of awards and/or honors, and/or community service, among others.
 - (b) **Students.** Sanctions may include, but are not limited to, one or more of the following: expulsion, suspension, probation, reprimand, warning, restitution, education or counseling, no-contact order, restriction from extracurricular programs or activities, loss of leadership opportunity or positions in activities, housing restriction/relocation, and/or loss or restriction from College employment, limitation or loss of rights or privileges, loss of awards and/or honors, and/or community service.
 - (c) **Third Parties:** Sanctions regarding vendors, independent contractors and other third parties may include, but are not limited to, dismissal, non-renewal, suspension (without pay), probation, reprimand, warning, restitution, training and/or counseling, no-contact order, removal from appointment or position, removal of one or more responsibilities with a corresponding compensation reduction, limitation or loss of rights or privileges, among others.
3. Considerations. In determining an appropriate sanction(s), the Sanctioning Official may consider the nature and degree of the conduct in and the steps necessary to end the discrimination, harassment or other violation, prevent it from recurring, and remedy its effects. The Sanctioning Official also may take into account any other

factors that may lead to a fair and appropriate outcome under the circumstances and may consult with other College officials. Such factors may include, but are not limited to:

- The nature and circumstances of the misconduct, including whether it involved violence, the threat of violence, or coercion; how severe or pervasive it was; whether it occurred once, more than once, or repeatedly; and whether or to what extent the Party found responsible intended or reasonably should have expected that the conduct would harm the Complainant or others.
- The impact of the misconduct on the Complainant, including whether or to what extent the misconduct has interfered or may interfere with the Complainant's education, employment, or other opportunities at the College, and whether or to what extent the misconduct has resulted or may result in physical, emotional, or other harm. The Sanctioning Official may, but is not required to, request an impact statement from the Complainant.¹³
- The impact of the misconduct on the College community, including whether or to what extent the misconduct has interfered or may interfere with an educational, employment, or other aspect of the College environment.
- The disciplinary history of the Party deemed responsible.
- The range of sanctions imposed in cases involving similar or analogous circumstances.
- Any other mitigating or aggravating circumstances, such as whether the Party found responsible has a history of other misconduct and/or discipline at the College and whether the Party found responsible accepted responsibility and/or remorse for their conduct and its effects. For example, misconduct of an employee with any type of past or present supervisory responsibility for a Complainant shall be considered a significant aggravating factor. The Sanctioning Official may, but is not required to, request a written statement from the Respondent regarding other mitigating factors.¹⁴
- The Sanctioning Official may consider disability-related issues if raised by the Party with the disability, if the Party with the disability expressly authorizes the disability to be considered and potentially disclosed in this process, and if the disability is directly related to the conduct at issue. Note that disability is not an excuse or defense to the behavior. Rather, after adjudication, disability may be considered as a mitigating or aggravating factor to the extent discussed in this

¹⁴ If the Sanctioning Official allows an impact statement from the Complainant, they will allow a statement of mitigating factors from the Respondent. Similarly, if the Sanctioning Official allows a statement of mitigating factors from the Respondent, they will allow an impact statement from the Complainant. If either statement is requested, neither shall exceed five (5) pages (12-point font with one inch margins).

section.

4. Additional Remedies. The Sanctioning Official may also identify additional remedies to address the effects of the conduct on the impacted Party. Remedies may include extending or making permanent any interim supportive measures, class and registration adjustments (including retroactive withdrawals); permanent changes to housing, employment or dining; and referrals to counseling or health services. If a Complainant or Respondent declined or did not take advantage of a specific service or resource previously offered, the College may re-offer the service as applicable or necessary. The AVP of Title IX/EO also may consider broader remedial action for the College community, such as increased supervision or monitoring, targeted or increased education and prevention efforts, and review of policies and procedures. In addition, the AVP of Title IX/EO may refer any matter raised, but not addressed hereunder, that may potentially violate any other College policy, rule, or procedure to the appropriate College officials to address such matters, irrespective of the finding under this Policy.

G. Notification of Outcome

Within seven (7) business days (which period may be extended for good cause and such extension communicated to the Parties) of the completion of the adjudication and sanction, if applicable, the AVP of Title IX/EO will notify the Parties simultaneously and in writing of (i) the outcome of the grievance proceeding; and (ii) the procedures for either Party to appeal the result of the grievance proceeding.

The AVP of Title IX/EO will also inform other College officials with a legitimate educational interest¹⁵ or employment interest about the outcome of the grievance proceeding. Sanctions of all types (including, but not limited to, any form of suspension, dismissal, or separation from the College) can be imposed, in full or in part, while an appeal is pending at the sole discretion of the College.

If the alleged victim is deceased as a result of a crime involving sexual assault, other nonconsensual sexual contact, stalking, domestic/dating violence or hate crime, the next of kin of such alleged victim will be provided the notice of outcome upon written request to the AVP of Title IX/EO.

H. Appeals

1. All Appeals (Other Than Appeals Involving a Respondent Who Is a Teaching Faculty Member with a Recommended Sanction of Dismissal)

The following appeal process applies to all appeals other than those filed when the Respondent is a Teaching Faculty member that received a sanction of dismissal.

¹⁵ As defined by the Family Educational Rights and Privacy Act.

Those situations are addressed under Section X.H.2 below.

(a) Submission of Appeal and Grounds for Appeal

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

- **Procedural Error.** The Investigator(s), Determination Official(s), the AVP of Title IX/EO, or the Sanctioning Official failed to follow the Procedure in a manner that would change the outcome. An appeal on this basis must set forth the section of the Procedure that the Investigator(s), the Determination Official(s), the AVP of Title IX/EO or the Sanctioning Official failed to follow and an explanation of how such error(s) changed the outcome; or
- **Newly discovered material information** that was not reasonably available to the Party requesting review, not available to the Investigator(s) or the Determination Official(s) or the Sanctioning Official when the determination was made, and which would change the outcome. An appeal on this basis must provide the new evidence, explain how it was discovered and why it was not previously available, and explain how it would change the outcome.

The Party submitting the appeal must attach all materials that they wish to have considered in the appeal process which support the appeal ground(s) set forth above. Appeals are only permitted on the two grounds described above, and appeals that do not meet those criteria or made on any other basis are not required to be considered by the Appellate Officer(s). Mere disagreement with the determination(s) of responsibility or sanction(s) is not sufficient grounds for appeal. The appeal and appeal materials submitted by a Party may not exceed ten (10) double-spaced pages (12-point font with one-inch margins) unless a higher page limit is otherwise determined to be necessary and appropriate in the sole discretion of the AVP of Title IX/EO. Appeals may not be drafted by advisors, support persons, or anyone other than the Party at issue. If the College suspects that an appeal was drafted by an individual other than the Party, it reserves the right to return the appeal and allow a new draft to be submitted. If the second submission is also rejected because drafted by someone other than the Party, the College may reject the appeal and refuse to entertain further appeals. The College will notify the Parties and provide a sufficient basis for their decision if this occurs.

(b) Opportunity of the Other Party to Review the Appeal.

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

(c) Appointment of Appellate Officer(s) and Conflicts of Interest

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

(d) Determination of Appellate Officer(s)

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

(2) The Appellate Officer(s) may deny the appeal and affirm all or part of the determination of responsibility or the determination of sanction, or the Appellate Officer(s) may refer the matter back to the original or new

Investigator(s) or Determination Official(s)¹⁶ or the Sanctioning Official for further consideration. If the matter is referred back to the Investigator(s), the Determination Official(s) or the Sanctioning Official for further consideration, the Appellate Officer(s) will provide specific instructions with the referral. In the event of a referral for further consideration, the AVP of Title IX/EO will be consulted to ensure the Policy is applied. If the AVP of Title IX/EO is found to have been the individual creating the issue in the appeal, a Deputy Title IX Coordinator of some other appropriate individual may be selected to serve as the AVP of Title IX/EO with respect to any further proceedings with respect to the matter.

- (3) The decision of the Appellate Officer(s) regarding the appeal is final.
- (4) The AVP of Title IX/EO will inform the Parties simultaneously and in writing of the outcome of the appeal.

2. Teaching Faculty Respondents Sanctioned with Dismissal

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

(a) Grounds for Appeal

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

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

(b) Opportunity of the Other Party to Review the Appeal.

Even though it is stated above, this reaffirms that the AVP of Title IX/EO

¹⁶ In the case of a finding of an appeal granted for a procedural error by the Determination Official(s), one or more new Determination Official(s) will be used.

will provide a copy of the appeal submitted by the Teaching Faculty Respondent to the Complainant. The Complainant may submit materials that they wish to have considered in the appeal process within seven (7) business days of receipt of the appeal. The page limit process described above will apply.

(c) Appointment of Appeal Panel.

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

(d) Final Review

Any Appeal Panel decision that involves procedural error or (2) newly discovered information is final. Any Appeal Panel decision regarding a sanction of recommended dismissal will be referred to the President and the Executive Committee of the Board of Trustees for review, as described below.

(e) President and Executive Committee Review of Recommended Sanction of Dismissal

(1) If the Sanctioning Official recommended dismissal and no appeal was requested or the Appeal Panel affirms this decision, the President will refer the sanction recommendation to the Executive Committee of the Board for final review and consideration.

(2) If the Sanctioning Official recommended dismissal and the Appeal Panel reverses the adjudication, the AVP of Title IX/EO will facilitate

any further process required.

- (3) If the Sanctioning Official recommended a sanction of dismissal and the Appeal Panel recommended a sanction less than dismissal, the President will determine whether to accept the Appeal Panel's sanction recommendation (which shall then become the final sanction); impose a different sanction that is less than dismissal (which shall then become the final sanction) or recommend a sanction of dismissal for review and consideration by the Executive Committee of the Board.
- (4) If the President refers a recommended sanction of dismissal to the Executive Committee of the Board, the referral will be communicated in writing by the President or the AVP of Title IX/EO. The Parties will also be notified. The President or the AVP of Title IX/EO will provide the Executive Committee with the Investigation Report, with all attachments, the Notification of Outcome with any attachments (including the Determination Officer(s)' determination of responsibility and the Sanctioning Official's decision), and if applicable, all written appeal materials submitted, and the Appeal Panel's written decision and the recommended sanction following such appeal. The Executive Committee may grant both the Respondent and the Complainant the right to address the Executive Committee in writing, if the Executive Committee deems it appropriate in its sole discretion. The Executive Committee of the Board of Trustees will make the final determination of the sanction. The AVP of Title IX/EO will inform the Parties simultaneously and in writing of the outcome of the appeal.

Each of the President and the Executive Committee of the Board of Trustees shall receive training on cases and appeals hereunder prior to reviewing any matter under this Section.

I. Additional Matters

1. Delegation

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

2. Timeframe for Completion of Investigation and Grievance Process

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

3. Duty of Honesty

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

A report made in good faith is not considered false merely because the evidence does not ultimately support the allegation of violation of this Policy or the Sex-Based Discrimination and Harassment Policy. A Complainant, Reporting Party or a witness who files claims that result in an investigation shall not be subject to a disciplinary sanction related to the incident unless the College determines that the report was not made in good faith.

4. Duty of Cooperation

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

5. Disability Accommodations

The College is committed to ensuring that all community members, and applicants,

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

6. Amnesty in Certain Circumstances

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

7. Academic Freedom and Educational Setting

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

8. Training

Actions called for in this Policy will be executed by individuals who are appropriately trained on issues relating to harassment, discrimination, and other misconduct addressed by this Policy, investigatory procedures, and other grievance procedures (as applicable to the role) to protect the safety and right of members of the College community and promote accountability. Such individuals will also be unbiased and committed to discharging their responsibilities in accordance with the Policy.

J. Special Situations

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

- When an investigation in a matter indicates that there may be one or more possible violations of any other College policy, rule or requirement in addition to an alleged violation of this Policy, the AVP of Title IX/EO will review such material and consult with the Director Student Integrity and Community Standards, Vice President of Human Resources or other appropriate College officials, as appropriate. In these situations, the investigation and resolution procedure may follow this Policy to determine whether such other alleged violation(s) took place in addition to the alleged violation of this Policy or may be addressed separately as determined by the AVP of Title IX/EO.
- If, following the receipt of an alleged violation of this Policy, the Complainant declines to participate in the investigation or resolution process, the AVP of Title IX/EO may decide, in their sole discretion, to administratively close the investigation at any point in the investigation or resolution process.
- A student group, organization or team may be held collectively responsible for a policy violation when one or more members of the group or other individuals associated with the group, organization or team are found responsible for a violation of this policy and the Determination Official(s) separately determines that:
 - members of the group, organization or team acted in concert with respect to the violation;
 - the individual(s) found responsible for committing the violation was either acting on behalf of the group, organization or team or engaged in an activity sponsored, financed or endorsed by the group, organization or team or its leaders;
 - the violation grows out of, occurs during, or is related to any activity or event sponsored, financed or endorsed by the group, organization or team;
 - any leader, officer, or team captain of group, organization or team had knowledge of the violation or incident before or while it occurred and failed to take corrective action; and/or
 - a pattern of violation by members of the group, organization or team is found to exist

There shall be no right of individual appeal of any member of the student group, organization or team to a group sanction. Sanctions for groups, organizations and teams may include suspension, revocation or denial of registration or recognition, probation, reprimand, warning, restitution, education, and restriction, among other possible sanctions.

XI. Availability of Reasonable Accommodations

The College is committed to making its facilities, programs, and services accessible to all individuals in compliance with applicable law. Consistent with federal and state law, reasonable accommodations will be provided to individuals with disabilities.

- **Students.** Students and applicants for admission to the College who desire to request reasonable accommodations should contact the Office of Accessibility Services to discuss the availability of reasonable accommodations or to obtain documentation guidelines. Please see <https://www.holycross.edu/health-wellness-and-access/office-accessibility-services> for further information.
 - Accommodations for Pregnancy and Pregnancy Related Conditions. Students should contact the AVP of Title IX/EO for accommodations for pregnancy and pregnancy related conditions.
- **Employees and Others.** Employees, applicants for employment, and third parties with disabilities who wish to request reasonable accommodations should contact Human Resources to discuss the availability of reasonable accommodations or to obtain documentation guidelines. This includes the right to reasonable accommodations in connection with pregnancy or a condition related to pregnancy including, but not limited to, lactation, or the need to express breast milk for a nursing child. Please see the [Reasonable Accommodation Procedures for Employees, Applicants for Employment and Third Parties](https://www.holycross.edu/sites/default/files/files/policyprocedure/adminfinance/final_procedures_for_applicant_and_employees_9-21-2018.pdf) (available at https://www.holycross.edu/sites/default/files/files/policyprocedure/adminfinance/final_procedures_for_applicant_and_employees_9-21-2018.pdf) for further information.

All requests for accommodations are evaluated on an individualized basis considering information about the individual's disability and the areas where they experience difficulties and need support.

XII. Hate Crimes and Bias Incidents – Reporting, Investigation and Resolution

A. Hate Crimes - Reporting, Investigation and Resolution.

Hate crimes include crimes that are motivated by a consideration (real or perceived) of race, religion, color, national origin, age, veteran status, sex (including sexual orientation, gender identity or expression and other unlawful categories), disability, genetic information or other unlawful status, as those crimes are defined under applicable law. Individuals who believe that they may have been victims of a crime may file a criminal

complaint with the Department of Public Safety (508-793-2222) and/or the local police department (911) where the incident occurred. An individual may make both a criminal complaint and a complaint to the College under this Policy (or pursuant to the Sex-Based Discrimination and Harassment Policy for any violation of that policy).

The Clery Act requires the College to maintain statistics regarding certain hate crimes occurring on campus, on College-controlled property, and on public property immediately adjacent to campus. Those statistics may be found in the College's Annual Campus Crime Report available on the Department of Public Safety webpage at <http://www.holycross.edu/campus-life/public-safety/safety-security-fire-report>.

B. Bias Incidents - Reporting, Investigation and Resolution.

Discriminatory or harassing acts motivated by bias or a consideration (real or perceived) of a person's race, religion, color, national origin, age, veteran status, sex ((including sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity or expression and marital or parental status), disability, genetic information, sexual orientation, gender identity or other unlawful status may constitute violations of the College's discrimination and harassment policies. Individuals who believe that they have been subject to discrimination, discriminatory harassment or retaliation (as defined above in this Policy) may make a complaint pursuant to this Policy, or a report pursuant to the Sex-Based Discrimination and Harassment Policy for violations of that policy.

C. Hate and Bias: Affirming a Campus Culture of Mutual Respect and Civility

The College seeks to be a community marked by mutual respect and civility. Incidents of hate and bias damage our community by intimidating or isolating individuals and other community members and can have a profound psychological impact on individuals and historically marginalized groups.

Additional responses to manifestations of hate and bias in our community can include restorative measures or dialogue on campus. When hate crimes, discrimination and discriminatory harassment incidents are being investigated pursuant to College policies and procedures, additional responses to such incidents must give due regard to the privacy of individuals and sensitivity of the situation subject to investigation including the rights and obligations of parties as set forth in those policies. The College will also comply with the Family Educational Rights and Privacy Act. These important considerations may impact the types of additional responses and/or the timing of additional responses.

When the AVP of Title IX/EO, the Senior Vice President for Student Development and Mission, or Vice President of Human Resources anticipates the need for restorative measures or dialogue on campus in addition to the investigation and remediation under applicable policy(ies), such College official will call a meeting with some or all of the Senior Vice President for Student Development and Mission, Vice Provost and Associate Vice President for Diversity, Equity and Inclusion, Vice President of Human Resources,

the Chief Information Officer, the Associate Vice President of Public Safety, Director of the Office of the College Chaplains and other relevant administrators to review the nature of the incident, examine any pertinent materials, discuss strategies for addressing the need and develop a plan of response.

Measures to be considered will be tailored to the nature of the incident and may include, but not limited to:

1. The issuance of a campus-wide statement;
2. One or more meetings with students, employees and other community members to promote dialogue about the issues involved;
3. Opportunities to educate students, employees and other community members further about the issues involved, including programs and topical forums;
4. The posting of a “HATE HAPPENED HERE” poster/sign where the act was committed. Signs will remain posted until instructed to be removed by the \the Senior Vice President for Student Development and Mission or Vice Provost and Associate Vice President for Diversity, Equity and Inclusion;
5. Removal, cleaning and/or painting over of the offensive materials after photos and other evidence has been collected; and/or
6. Other steps as determined to encourage dialogue about words and actions, to address issues of intolerance, and promote respect towards differences on a regular basis.

The need for dialogue can also arise because of local, national or world events that impinge on our community. When members of the College community anticipate or desire a need for campus dialogue due to local, national or world event(s), they should bring this to the attention of the AVP of Title IX/EO, the Vice President of Human Resources, the Senior Vice President for Student Development and Mission, and/or Vice Provost and Associate Vice President for Diversity, Equity and Inclusion.

D. Policy Review

This Policy shall be subject to regular review by the College pursuant to procedures established by the College, including, but not limited to, review of best practices and current professional standards. This Policy shall be made available in writing to any applicant, student or employee of the College upon request.

Date of Last Review August 1, 2024

Pregnancy and Pregnancy Related Conditions

The College is committed to providing an educational and employment environment that is free from discrimination on the basis of sex, which includes discrimination based on current, potential, or past pregnancy or related conditions. The College does not discriminate in its education program or activity against an individual based on the individual's current, potential, or past pregnancy or related conditions.

The College will act promptly and effectively prevent sex discrimination and ensure equal access to the College's education program or activity once a student notifies the Title IX Coordinator of the student's pregnancy or related conditions. The Title IX Coordinator must coordinate these actions.

Pregnancy or related conditions means:

- Pregnancy, childbirth, termination of pregnancy, or lactation;
- Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or
- Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

The College's Title IX Coordinator is appointed to coordinate specific actions to prevent sex discrimination and ensure equal access to the College's education program and activities.

Derek DeBobes
Associate Vice President of Title IX and Equal Opportunity
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The Title IX Coordinator will provide reasonable modifications based on a student's individualized needs after consultation with the student in connection with pregnancy and related conditions. Please note that a modification is not a reasonable modification if the College can demonstrate would fundamentally alter the nature of its education program or activity.

Reasonable modifications may include, but are not limited to, breaks during class to express breast milk, breastfeed, or attend to health needs associated with pregnancy or related conditions, including eating, drinking, or using the restroom; intermittent absences to attend medical appointments; access to online or homebound education; changes in schedule or course sequence; extensions of time for coursework and rescheduling of tests and examinations; allowing a student to sit or stand, or carry or keep water nearby; counseling; changes in physical space or supplies (for example, access to a larger desk or a footrest); elevator access; or other changes to policies, practices, or procedures.

The College must ensure that students can access lactation spaces. The College designated lactation spaces available. It will review requests if there is a need for an additional lactation space. Designated lactation spaces must be clean, not a bathroom, and safe and functional for use as a lactation space. They must also be free from view and intrusion – which usually means equipped with window coverings and a door that locks.

In addition, the College does not engage in prohibited discrimination when it allows a student, based on pregnancy or related conditions, to voluntarily participate in a separate portion of its education program or activity provided the recipient ensures that the separate portion is comparable to that offered to students who are not pregnant and do not have related conditions. The College must allow a student to voluntarily access any separate and comparable portion of the College's education program or activity.

Voluntary leave is also available to students to take time off of school for pregnancy, childbirth, miscarriage, termination and/or recovery for as long as their licensed healthcare provider says is medically necessary. That could mean a few absences for necessary medical appointments, or a longer leave of absence for a high-risk pregnancy or childbirth. This leave is available even if taking medically necessary leave would require an absence for longer than the College's leave policy ordinarily allows. A student cannot be penalized for taking leave, and must be able to return in the academic status and, as practicable, to the extracurricular status that the student held when the voluntary leave began.

Please note that students have the right to accept or decline any offered modification.

The College must not require supporting documentation for reasonable modifications unless the documentation is necessary and reasonable for the College to determine the reasonable modifications to make or whether to take additional specific actions with respect to such reasonable modifications. Examples of situations when requiring supporting documentation is not necessary and reasonable include, but are not limited to, when the student's need for reasonable modification is obvious, such as when a student who is pregnant needs a bigger uniform; when the student has previously provided the recipient with sufficient supporting documentation; when the reasonable modification because of pregnancy or related conditions at issue is allowing a student to carry or keep water nearby and drink, use a bigger desk, sit or stand, or take breaks to eat, drink, or use the restroom; when the student has lactation needs; or when the reasonable modification is available to students for reasons other than pregnancy or related conditions without submitting supporting documentation.

To the extent that it does not constitute a fundamental alteration, the College must treat pregnancy or related conditions in the same manner and under the same policies as any other temporary medical conditions with respect to any medical or hospital benefit, service, plan, or policy the College administers, operates, offers, or participates in with respect to students admitted to the recipient's education program or activity.

Finally, the College must not require a student who is pregnant or has related conditions to provide certification from a healthcare provider or any other person that the student is physically able to

participate in the College’s class, program, or extracurricular activity unless:

1. The certified level of physical ability or health is necessary for participation in the class, program, or extracurricular activity;
2. The College requires such certification of all students participating in the class, program, or extracurricular activity; and
3. The information obtained is not used as a basis for prohibited sex discrimination including, but not limited to, on the basis of pregnancy or related conditions.

The College does not discriminate unlawfully in admission to, access to, treatment in or employment in its programs and activities on the basis of a person’s actual or perceived race, religion, color, national origin, age, veteran status, sex (including sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity or expression and marital or parental status), disability, genetic information, or any other legally protected status, while reserving its right where permitted by law to take action designed to promote its Jesuit and Catholic mission. The Associate Vice President of Title IX and Equal Opportunity (who also serves as the College’s Title IX Coordinator and ADA/504 Coordinator) (“AVP of Title IX and EO”) has been designated by the College to respond to general inquiries regarding the College’s non-discrimination policies:

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

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

The College’s Sex-Based Discrimination and Harassment Policy and Equal Opportunity and Discriminatory Harassment Policy are available at [link](#).