



Annual Security and Fire Safety Report

Published October 1, 2024 for crimes reported in 2023



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Table of Contents

Clery Act Overview.....	4
Introduction: The Department of Public Safety.....	4
Policy on Preparation of the Annual Security and Fire Safety Report and Disclosure of Crime Statistics	4
Campus Security Authorities.....	5
The Department of Public Safety: Role, Authority and Training.....	5
Reporting Crimes and Other Emergencies	6
Confidentiality of Matters Reported to the Department of Public Safety	6
Reporting Missing Students.....	7
Timely Warnings - Crime Alerts and other Notifications or Advisories.....	7
Emergency Response and Evacuation Procedures	8
Procedures for Reporting Emergencies	9
Emergency Communications Systems.....	9
Security of and Access to Holy Cross Facilities.....	10
Security Awareness and Crime Prevention Programs and Tools	11
Recognized Student Organizations Off-Campus.....	13
College of the Holy Cross Sexual Misconduct Policy.....	14
Prevention Education and Programming	46
Sex Offender Registration	49
Alcohol and Drug Policies.....	49
Alcohol and Other Drug Education for Students.....	51
Fire Safety Report.....	54
Annual Disclosure of Crime Statistics Pursuant to the Clery Act	57
Definitions Used for Reportable Crimes	57
Clery Act Geography Definitions.....	57
Clery Act Crime Definitions.....	58
Collected Statistics.....	61

Clery Act Overview

The federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (more commonly referred to as the “Clery Act”) is a consumer protection law that aims to provide transparency concerning campus crime policy and statistics. In order to comply with Clery Act requirements, colleges and universities must understand what the law entails, where their responsibilities lie, and what they can do to actively foster campus safety. Part of that effort involves presenting information relating to safety in an accessible and contextual manner.

A significant feature of the Clery Act is its requirement that institutions of higher education annually disclose statistics regarding the occurrence of certain types of crimes in certain locations. Statistics must be published in table format and must meet the following requirements:

- Statistics are based upon the year the report is received, even if actual incidents occurred in a prior year.
- An incident is only reportable in the annual statistics if it meets very specific federal requirements. Clery reportable crimes are limited to those that (1) meet the legal definition of a Clery crime and (2) are reported to have occurred within specific geographical areas, as defined under law.

The definitions of the Clery Act crimes and the Clery geography can be found at the end of this report. For more information on Clery, please visit the Department of Public Safety’s Clery [FAQ page](https://www.holycross.edu/campus-life/public-safety/records-reports/clery-act-faq). (<https://www.holycross.edu/campus-life/public-safety/records-reports/clery-act-faq>)

Introduction: The Department of Public Safety

The College of the Holy Cross is committed to providing a safe and secure community, where students, faculty and staff may experience academic, professional and personal success.

To achieve this goal, the Department of Public Safety provides a comprehensive program of police, security, crime prevention, fire safety, emergency medical, parking, transportation and related public safety services to help ensure the College community is a safe and pleasant place to live, work and learn. The Department of Public Safety works collaboratively with students, staff and faculty in the development of crime prevention, security assessment, response and education. This collaboration is the foundation of maintaining an environment which encourages mutual respect, caring and safety for the campus community.

Policy on Preparation of the Annual Security and Fire Safety Report and Disclosure of Crime Statistics

The federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (more commonly referred to as the “Clery Act”) was passed in 1990 and requires all postsecondary educational institutions participating in federal Title IV student financial assistance programs to disclose certain crime statistics, safety related policies and procedures, fire safety information, and fire statistics in annual security and fire safety reports to be published by October 1st each year. The purpose of the report is to notify the community of specific crimes reported to the College in addition to providing useful information regarding safety and security policies. The College of the Holy Cross publishes its annual security and fire safety reports on the Department of Public Safety website: <https://www.holycross.edu/campus-life/public-safety/records-reports>. The College, through the Department of Public Safety, disseminates a notice of the availability of these reports via a mass email to all current students, faculty, and staff. Anyone may obtain a paper copy of the Annual Security and Fire Safety Report by contacting the Department of Public Safety at (508) 793-2224, or by making a request in person at the Department of Public Safety, which is located at 3 City View Street just off campus.

These reports are prepared and published by the Director of Public Safety using information collected from Public Safety records, Title IX records, reports from Campus Security Authorities, local law enforcement (e.g., Worcester Police Department, West Boylston Police Department, etc.), as well as other state, federal, and other law enforcement partners. The Public Safety Department records and

maintains crime statistics for publication in the Annual Security and Fire Report each year.

The Department of Public Safety police officers enter all reports of all crime incidents reported to the department in an automated case management software program called Report Exec. Once an officer enters the report, a Department of Public Safety administrator reviews the report to ensure it is appropriately classified in the correct crime category. The Department of Public Safety periodically examines the data to ensure that all crimes that have been reported are recorded in accordance with the crime definitions outlined in the FBI National Incident Based Reporting System (NIBRS) Handbook.

The Department of Public Safety maintains a close relationship with the Worcester Police Department and the West Boylston Police Department to ensure that we are notified of any crime report that is made directly to the Worcester Police Department and/or the West Boylston Police Department.

Campus Security Authorities

The Clery Act requires the College to disclose certain crimes that occur within the College's Clery geography and that are reported to campus security authorities ("CSAs"). CSAs include any member of the Department of Public Safety; any individual who has responsibility for campus security, but who is not a member of the Department of Public Safety; any individual identified by the College as someone to whom a crime should be reported; and any College official who has significant responsibility for student and campus activities. Individuals with these job functions or who have been designated as CSAs receive annual training on mandatory reporting obligations.

A designated CSA must report to the Department of Public Safety or the Title IX Coordinator, as appropriate, of the existence of all known incidents so that the incidents can be recorded as statistics and, where appropriate, included in the College's Annual Security and Fire Safety Reports.

Examples of the College's CSAs include, but are not limited to:

- Department of Public Safety staff members
- Athletic coaches
- Advisors to student groups
- Student affairs staff members
- Title IX Coordinator and Deputy Title IX Coordinators
- Residential Life staff members

Professional counselors and pastoral counselors acting in their professional capacity are not CSAs, and the Clery Act specifically exempts them from the responsibility to report to the Department of Public Safety criminal behavior disclosed to them.

The Department of Public Safety: Role, Authority and Training

The officers of the Department of Public Safety, other than the traffic enforcement officer, are all armed Sworn Police Officers with full powers of arrest in accordance with the provisions of M.G.L. Ch. 22C §63 and are certified police officers in Massachusetts under MGL Chapter 6E. They have full law enforcement authority in and upon all property owned, controlled, occupied or used by the College.

Department of Public Safety officers receive recruit training at the Municipal Police Academies before they are commissioned as Department of Public Safety Officers. Annually, all officers receive in-service training in First Aid, CPR, Firearms, All Hazard Training, Hate Crimes, Stalking and Dating and Domestic Violence, and legal updates and other relevant training. Officers also receive specialized training in investigations, crime prevention, and instructor certification in Rape Aggression Defense (RAD) training, Run, Hide, Fight training and other specialized areas. Officers also receive Clery and Title IX training.

Working Relationship with Local, State Agencies

The Department of Public Safety maintains a close working relationship with the Worcester Police Department, the West Boylston Police Department, the Massachusetts State Police, the Worcester County District Attorney's office and federal law enforcement agencies.

Reporting Crimes and Other Emergencies

The College strongly encourages individuals to promptly report crimes, suspicious activities, emergencies, and dangerous situations occurring on or near campus to the Department of Public Safety at 508-793-2222 from a cell phone or 2222 from any campus phone or the Worcester Police at 911. If the emergency is at the Joyce Contemplative Center in West Boylston, MA, reporting persons should call 911.

While the Department of Public Safety investigates crimes that occur on College property, Public Safety will assist individuals with contacting the Worcester Police to make reports if the individual requests or requires assistance for any crimes that occur outside of the College property. The College also encourages prompt and accurate reporting of crimes to the Department of Public Safety or local police when a victim of a crime elects to, or is unable to, make such a report. Working together, community members and the Department of Public Safety can reduce crime.

Reports can be made by calling the numbers listed above at any time. Reports may also be made to Department of Public Safety officers patrolling on foot, bicycle or in clearly marked vehicles. Individuals may also make a report via mail or email but will be contacted so that an officer can speak with the individual.

To bridge language differences, the Department of Public Safety uses an interpretation service called LanguageLine Solutions. Through the LanguageLine's skilled and certified interpreters who speak over 240 different languages, including video communication for American Sign Language, the officers with DPS can communicate with nearly anyone seeking police assistance.

Confidentiality of Matters Reported to the Department of Public Safety

An individual may report a crime to the Department of Public Safety in matters in which the reporting party does not wish to pursue either judicial or disciplinary action. Please note that the Department of Public Safety cannot ensure that an allegation will remain confidential, however, because there are instances in which the Department is obligated to notify College personnel, such as the Title IX Coordinator and others, of incidents that may implicate the College's Sexual Misconduct Policy or incidents may indicate a pattern of crime with regard to particular location, method, or assailant, or in order to alert the campus community to potential danger. The College has listed confidential resources in this Report and the Sexual Misconduct Policy for individuals who would like to speak with someone on a confidential basis. Please see Section VI in the Sexual Misconduct Policy for more information.

Individuals may anonymously report an incident of sexual misconduct, including violence (sexual assault, dating violence and stalking) by using the online reporting form linked from the Title IX website located here: https://cm.maxient.com/reportingform.php?CollegeoftheHolyCross&layout_id=2. All such reports that meet the definition of a reportable offense under the Clery Act are included in the annual disclosure of crime statistics. In addition, anonymous reports assist the College in evaluating whether a Timely Warning should be issued and in collecting valuable information about incidents of sexual violence that are not ultimately reported to the police. Those who are required to report crimes may not use this anonymous online reporting form to fulfill their reporting obligation.

Any publically available record keeping, including Clery Act reporting and disclosures, will not contain personally identifying information of victims. Additionally, confidential resources at the College, acting in their professional capacity are not CSAs, and the Clery Act specifically exempts them from the

Department of Public Safety

Emergency: 508-793-2222
Non-emergency: 508-793-2224
3 City View St.

Worcester Police Department

Emergency: 911
Non-emergency: 508-799-8466
9-11 Lincoln Square, Worcester, MA 01608

West Boylston Police Department

Emergency: 911
Non-emergency: 508-835-3233
39 Worcester Street, West Boylston, MA
01583

responsibility to report to the Department of Public Safety criminal behavior disclosed to them.^{1*}

College chaplains, counselors and medical personnel will inform individuals of their ability to provide a confidential report of an incident to the College for inclusion of the crime statistic in the Annual Security & Fire Safety Report.

Reporting Missing Students

A student may be declared “missing” when their whereabouts are unknown and unexplainable for a period of time that is regarded by knowledgeable parties as highly unusual or suspicious in consideration of their behavior patterns, plans or routines, or 24 hours whichever is sooner. There are many instances in which students are missing for unexplained reasons and under circumstances where they may be considered at risk.

In every instance when a student is reported missing, response time is of the essence. A Resident Assistant, Professional Staff Member or any other reporting party associated with the College, upon being notified of a missing student as defined shall immediately call or notify Public Safety at 508-793-2222 from a cell phone or 2222 from a campus phone.

Should a student be deemed missing for 24 hours the local and/or state law enforcement agency will be notified. The College will notify a custodial parent or guardian of any student under the age of 18 who is not emancipated, not later than 24 hours after the student has been declared missing.

Students at the College have an option to identify a confidential individual to be contacted not later than 24 hours after the student has been determined to be missing. Students may register a confidential contact person at any time by updating their information with the institution. This information will only be accessed by authorized campus officials and law enforcement in furtherance of a missing person investigation.

HOW TO REPORT A MISSING STUDENT

Department of Public Safety
508-793-2222

Worcester PD – 911

West Boylston Police Department - 911

The Department of Public Safety will respond to all instances of missing students and notify the Dean on Duty. The Department of Public Safety will also gather as much information as possible from the reporting party to include name, age, last known whereabouts, residence, physical and emotional condition at the time last seen, what, if anything, was communicated by the student and any other pertinent information available. The Department of Public Safety will also conduct a “hasty search” on foot if appropriate under the circumstances from the last known location to the most probable route of travel to the residence hall, other building on or off campus (within the immediate College area), or reasonable place on campus based upon the initial information gathered.

If the missing student is not found, nor their whereabouts discovered, during the search, the Dean on Duty will be immediately advised, along with the Director of Public Safety or designee. Should information be gathered or conditions exist during the course of the above events that the missing student is in imminent danger, the appropriate local and/or state emergency response personnel will be immediately notified.

Timely Warnings - Crime Alerts and other Notifications or Advisories

^{1*} Confidential resources generally will not share identifiable information without the reporting individual’s permission, unless (a) 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 or (b) 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 (c) elder or disabled individual abuse has been alleged. Please note that such employees who receive reports when not functioning in their licensed or confidential capacity (e.g., when teaching a course) are not prohibited from making a report (e.g., a Jesuit professor or administrator is not a confidential resource when they are teaching classes, or acting as an administrator).

To keep the campus community informed, the College will issue Timely Warnings for Clery Act crimes (which include murder, arson, aggravated assault, robbery, burglary, motor vehicle theft, sexual assaults, and hate crimes) occurring on campus, other College-controlled property, and/or public property immediately adjacent to campus that are reported to the Department of Public Safety or other College Campus Security Authorities or are reported to the College by local police agencies, and are determined by the College to represent a serious or continuing threat to students, employees and our campus community. The College will issue Timely Warnings through email notifications.

The purpose of a Timely Warning is to notify the campus community of the incident and to provide information that may enable community members to protect themselves from similar incidents. The College will issue Timely Warnings whenever the following criteria are met:

1. A Clery crime is committed, and;
2. in the College's Clery geography; and
3. there is a serious and continuing threat to the campus community.

Timely Warnings will not include the names of victims.

Additionally, the College may, in some circumstances, issue Crime or Safety Alerts via email when there is a pattern of crimes against persons or property that may not be categorized as Clery Act crimes.

The Director of Public Safety and/or the Director of Title IX Initiatives, or their designees, will make the determination in consultation with other offices, if a Timely Warning is required. The Director of Public Safety, or his or her designee, is responsible for issuing the Timely Warning.

For incidents involving crimes that occur off campus and not in the College's Clery geography, the College may issue an advisory to the College community if the crime occurred in a location used and frequented by students and employees.

The College also has the ability to send notifications to any person who is not a student, faculty or staff members and who elects to opt in through the RAVE Alert system. Individuals can text "HCAAlert" to 67283 to receive these messages. These messages are a very effective way to send important information to the campus community and others, and can assist members of the community to make informed choices about safety.

Emergency Response and Evacuation Procedures

Emergency Management Plan

The Holy Cross Emergency Management Plan addresses the College's response to emergencies by taking an all-hazards approach. The Emergency Response Team (collectively, "ERT") including but not limited to designated representatives from the Department of Public Safety, Finance and Administration, Student Affairs, Facilities, and Athletics, have primary responsibility for maintaining the plan. The Emergency Management Plan can be found here: <https://www.holycross.edu/emergency-management>

Training, Drills and Exercises

No less than once a year, the ERT will plan and conduct or cause to be planned and conducted a simulated emergency exercise to test a single procedural operation and an exercise involving a test of coordination of efforts. Debrief activities to review the test and/or exercise, assessment of the emergency plan and capabilities with measurable goals and the College's emergency response and evacuation procedures will be conducted. The ERT is responsible for documenting each test and exercise.

In conjunction with at least one emergency exercise each year, the College will notify the community of the exercise and remind the community of the information included in the College's publicly available information regarding emergency response and evacuation procedures by email. Parents and

**The College requests
that you heed emergency
notification warnings and
follow any instructions given.**

guests may also sign up to receive emergency notifications. More information is available on the Department of Public Safety Emergency Notification website. <https://www.holycross.edu/campus-life/public-safety/emergency-notifications>.

Procedures for Reporting Emergencies

The College's procedures for reporting emergencies are described above under "Reporting of Crimes and Emergencies." Holy Cross may receive initial warning of an emergency or pending disaster from a number of sources, including 911 calls; students, faculty, staff or visitors; the National Weather Service (NWS); local, state or federal emergency officials or the media. When an emergency or disaster appears imminent, Holy Cross emergency personnel will notify the Department of Public Safety, the Public Information Officer and the ERT.

Emergency Response

In the event of an emergency, the ERT group will convene to assess the situation and determine the appropriate response. The ERT will convene with other members of Leadership and Support Teams and other representatives to provide support and a coordinated response across the College.

Additional personnel, including members of the Emergency Response Team, Emergency Personnel (as defined in the College's Emergency Personnel Policy), employees of Student Health Services and volunteers, may also be called upon during an emergency.

Further, the ERT may rely upon local resources and emergency responders, including but not limited to Worcester Emergency Management, Worcester Police Department, Worcester Fire Departments and Worcester Public Works. The ERT may also seek assistance from neighboring institutions of higher education.

Emergency Communications Systems

General Information and Clery Requirements

To provide the campus community with information necessary to make informed decisions about their health and safety, the College will issue emergency notifications upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus. The College will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

In evaluating whether a significant emergency or dangerous situation exists, the College will rely upon information received by first responders, including but not limited to Public Safety, Facilities or the relevant College department that witnessed the event. Generally, in an event that implicates campus safety, Public Safety will evaluate whether an emergency exists. When there is an issue with campus facilities, the College will rely upon Facilities' staff to determine the status of an incident. ERT will be available and will communicate about issues in a timely manner via text message. If necessary, the College will rely upon external agencies to inform decision-making regarding the status of the incident and appropriate action in the event of an emergency.

Upon the determination that a significant emergency or dangerous situation exists, the College will send an emergency communication to the segment of the population that is affected. This will generally include the whole campus. In determining the content of the message, the College will rely upon (1) template messages written in advance and/or (2) new messages written in real-time, as relevant to the circumstances and with input of the Public Information Officer, and other departments as appropriate.

Rave Alert

Rave Alert is an emergency notification system that allows the sender to transmit alerts via text or SMS message, email, and phone calls simultaneously. Students and employee contact information on file with the College is automatically uploaded into the RAVE Alert system.

The Director of Public Safety and his or her designees have the primary authority and responsibility for the maintenance, management, and use of the emergency communication systems. In the event of an emergency, the designated Department of Safety personnel,, or a member of the Emergency Response Team may send alerts through RAVE and the audible campus alert system.

Email

The College may also use its email system to send notifications and updates. The following individuals are authorized to send campus-wide emergency emails: Director of Public Safety, Vice President for Marketing and Communication, and/or their designees.

Website

The College's official website has the capacity to display an emergency banner. The Director of Marketing and Communications or designee is responsible for determining when information can be posted and the specific content to be provided. In the event of an emergency, the Vice President for Communications and Marketing (and/or designees) will direct appropriate staff to make the requested communications.

Holy Cross Emergency Management Website

The College maintains a webpage reserved solely for emergency notifications, hosted at <https://www.holycross.edu/emergency-management>. The Director of Marketing and Communications and designees have the authority to determine when information can be posted and the specific content to be provided.

Social Media

The College maintains official social media accounts that may be used in the event of an emergency. The College's official Facebook handle is @collegeoftheholycross
The College's official X handle is @holy_cross.
The Director of Marketing and Communications (or designees) is responsible for maintaining these pages, creating appropriate content, and its distribution.

Periodic Testing

The Emergency Response Team will facilitate testing on our emergency communications systems twice a year, using all systems of emergency management. These events will be scheduled and communicated with Holy Cross campus students, faculty, and staff to minimize disruption. Public Safety will maintain a log of this testing to include a description of the exercise, the date and time of the test, and a statement of whether it was announced or unannounced.

Security of and Access to Holy Cross Facilities

Most campus facilities, other than student residence halls, are accessible to members of the campus

community, their guests, and visitors during the day, at night and on weekends depending on scheduled events and time of the year.

Access to Residence Facilities

All exterior doors to student residence halls and most residential corridors are locked 24 hours a day. An electronic computerized card access system monitors all exterior doors and the corridor doors to the residential areas.

Access to the halls is by the Holy Cross Crusader One Cards, which are issued by the Department of Public Safety. The cards are programmed to allow access into the residence halls. Students are encouraged to report all missing and lost cards as soon as possible to the Department of Public Safety. All reported missing and lost cards are immediately removed from the card access system and replacement cards are issued.

All overnight guests of students must be registered through the online form located here: <https://www.holycross.edu/campus-life/housing/visitor-registration>. They must register their motor vehicle with the Department of Public Safety.

Maintenance and Security of Campus Facilities

The College maintains a very strong commitment to campus safety and security. The College reviews all employee injuries, reports of hazards and makes recommendations to the College Administration for corrective action. Members of the Department of Public Safety and the Department of Facilities regularly observe the College grounds, exterior lighting, parking lots and access to all buildings and reports concerns through the Department of Facilities.

The Department of Public Safety, Facilities, and the Student Government Association conduct a periodic check of outdoor campus lighting. Public Safety Officers are required to identify and report any possible safety hazards and lighting problems during their regular patrols and report their findings to the appropriate authorities. On-call Facilities personnel may be contacted to respond to any maintenance emergency. Contact can be made through the Department of Public Safety by calling 508-793-2224, anytime day or night.

The campus buildings and grounds are patrolled 24 hours a day by Public Safety officers in vehicles and on foot. All buildings are secured in the evenings and opened for special events or activities.

Security Awareness and Crime Prevention Programs and Tools

The Department of Public Safety places particular emphasis on safety education and crime prevention. A primary vehicle for accomplishing this goal are the resources available through DPS. These programs and resources are based on the dual concepts of eliminating or minimizing criminal opportunities whenever possible and encouraging students and staff to be responsible for their own safety/security and the security of others.

The following is a listing of the crime prevention programs and tools offered by the College of the Holy Cross:

Escort Programs

The Department of Public Safety provides an on-going personal safety escort service upon request for persons walking on campus and from campus, to a principal place of residence within a reasonable distance of the campus, during all hours when personal safety is a concern.

New Student Orientation

A crime prevention presentation, accompanied by brochures and other printed material, is given to new students during the beginning of each academic year. Students are presented with information about safety resources on campus, health and wellness, security and partnership with Public Safety, how to report a crime, emergency notifications and timely warnings as well technology such as the RAVE Guardian app.

Residence Hall Security and Res Life Staff Training

Crime prevention programs accompanied by literature and other printed materials are available for residence halls. Security presentations are given to Resident Assistants (RAs) each summer at a training workshop that includes how to report a crime, what to expect when Public Safety officers arrive on scene. They also receive Campus Security Authority training that explains their role, their obligation to report crimes, and they are introduced to the CSA report form online.

Emergency Telephones

Most residence halls have exterior emergency telephones. Some parking lots have emergency phones; all are identified by a blue light and signs.

Crime Prevention Presentations

Crime prevention presentations are made annually to such groups or organizations as resident students, commuter students, faculty and staff including specific academic departments. Programs are tailored to the interests of those requesting a presentation. These may cover topics such as identify theft, “out and about” safety and awareness skills, and property theft.

Rape Aggression Defense

The Department of Public Safety offers Rape Aggression Defense Self Defense Training for Women at least once a semester. The R.A.D. System is dedicated to teaching women defensive concepts and techniques against various types of assaults, by utilizing easy, effective and proven self-defense/martial arts tactics. The system of realistic defense provides women with the knowledge necessary to make an educated decision about resistance.

Run, Hide, Fight Training

The Department of Public Safety offers Run, Hide, Fight training (Active Shooter Response Training) to the community at least once a semester. Officer instructors train individuals to prepare to take an active approach in an active shooter situation.

Electronic Access Systems Card

An electronic access system monitors all residence hall exterior entrances. An alarm monitoring system is located in the Public Safety office.

Crime Prevention Efforts

DPS takes a more comprehensive approach to Crime Prevention by adopting a department-wide Community Policing philosophy. While officers are certified to teach RAD and Run, Hide, Fight, officers also formally present information to student and employee groups. DPS tailors the presentations to the topics of interest to the specific groups.

Coffee with a Cop / Pizza with Pub Safe

The Department of Public Safety hosts these events, or similar events, in the Campus Center annually to build relationships with our community and promote a partnership in safety. The goal is to foster a mutual relationship that yields trust. In these events, officers engage personally with members of the community, sharing conversations and learning about one another and informing the community of DPS resources.

Comfort Dog Program

The Department of Public Safety has a comfort dog in its ranks. The officer assigned as the handler spends time in the community with the dog, offering comfort and kindness to everyone they engage with. The pair provide a calm and supportive presence to anyone experiencing a difficult moment.

RAVE Guardian

The College offers the RAVE Guardian app to all community members. This free app includes a suite of communication platforms quickly accessible to the users. This includes:

- Allowing users to send crime tips via SMS texting with DPS emergency dispatchers (users can elect to remain anonymous)
- Providing immediate capability to call the emergency number for DPS
- Providing a call directory for critical departments at Holy Cross such as Counseling and Psychological Services as well as other local and national resources.

Recognized Student Organizations Off-Campus

There are no officially recognized student organizations with off-campus locations.

SEE THE SECTION ON THE SEXUAL MISCONDUCT POLICY ON THE NEXT PAGE

College of the Holy Cross Sexual Misconduct Policy

I. Statement of Values and Commitment to Non-Discrimination

The College of the Holy Cross is a community of trust based in the Jesuit tradition whose existence depends on strict adherence to standards of conduct set by its members. Among these are standards regarding human sexuality, any expression of which must affirm the integrity and dignity of oneself and others. Sexual misconduct, in all forms, violates the sanctity of the human body and spirit and will not be tolerated within the College community. The College is committed to providing an environment of well-being, learning, and accountability for its members by acting promptly and effectively to end any sex discrimination in the College's programs or activities, prevent its reoccurrence, and remedy its effects.

II. Commitment to Non-Discrimination

The College 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 conditions¹, 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. This non-discrimination policy is further described in this policy and the Equal Opportunity and Discriminatory Harassment Policy. The Associate Vice President of Title IX and Equal Opportunity (who also serves as the College's Title IX Coordinator and ADA/504 Coordinator) ("Title IX Coordinator") has been designated by the College to respond to general inquiries regarding the College's non-discrimination policies:

Derek DeBobes
Associate Vice President of Title IX and Equal Opportunity
College of the Holy Cross
Hogan Campus Center
Suite 506 Worcester, MA 01610
508-793-3336
ddebobes@holycross.edu

Individuals may report complaints to the Title IX Coordinator or at this [link](https://cm.maxient.com/reportingform.php?CollegeoftheHolyCross&layout_id=2).
(https://cm.maxient.com/reportingform.php?CollegeoftheHolyCross&layout_id=2)

¹ 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](https://www.holycross.edu/sites/default/files/files/policyprocedure/adminfinance/final_procedures_for_applicant_and_employees_9-21-2018.pdf), 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.

Concerns about this policy 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. 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.

III. How the College Seeks to Address Sex Discrimination and Other Forms of Misconduct, Including Sex-Based Harassment

The College’s commitment to non-discrimination includes an assurance that the College will not tolerate discrimination or 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), or other unlawful bases or retaliation. This prohibition includes sexual harassment, sexual assault, dating and domestic violence, and stalking, when such behavior constitutes sex discrimination. The College follows through on this commitment against discrimination and harassment through the implementation of two policies:

A. Sex-Based Discrimination and Harassment Policy (“this Policy”)²

This Policy defines prohibited conduct including, but not limited to, sex discrimination, sex-based harassment (including, but not limited to, 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 this Policy. It also describes the process by which the College will address such conduct in different circumstances.³

B. Equal Opportunity and Discriminatory Harassment Policy (“EO Policy”)

The EO Policy (available at [link](#)) defines prohibited conduct and a process by which the College will address such conduct. Examples of conduct triggering the EO Policy include, but are not limited to, the following:

- Discrimination or harassment based on actual or perceived race, religion, color, national origin, age, veteran status, disability, or genetic information.
- Domestic violence, stalking, sexual exploitation, media-based misconduct, inducing incapacitation, aiding and assisting, employee relationships with students, relationships between supervisory employees and others, or retaliation⁴ to the extent that those concerns are not required to be addressed under this Policy.
- 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 Title IX Coordinator will evaluate reported concerns and decide which policy applies as further described below.

This Policy applies to all College community members and all individuals meeting the definition of “Complainant.” All members of the College community are responsible for being familiar with and abiding by this Policy at all times. 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, or as otherwise

² This Sex-Based Discrimination and Harassment Policy, is effective as of August 1, 2024. This Policy will apply to conduct alleged to occur on or after that date. Prior versions of the College’s sex discrimination and sex-based harassment policies (including the Sexual Misconduct Policy) are available at <https://www.holycross.edu/sexual-respect-and-title-ix/overview>.

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.

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 the EO Policy to the extent those concerns are not required to be addressed under this Policy. This determination will be made by the Title IX Coordinator.

required by applicable law.

IV. 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 sex-based discrimination, end sex 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 sex 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 sex 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 sex-discrimination while acting within the scope of their employment duties⁵, 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 sex discrimination.
- C. Actions called for in this Policy will be executed by individuals who are appropriately trained annually, and promptly on any hiring or change in position that affects their Title IX duties, on issues relating to sex discrimination and their Title IX obligations. This includes, as appropriate to the role, unbiased training on sex discrimination, investigatory procedures, and procedures to protect the safety and rights of students and employees and promote accountability, fair procedures, and commitment to discharging their responsibilities in accordance with the Policy.
- D. The College periodically will review its policies, procedures, and practices to ensure 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.

V. Responsibilities of The Title IX Coordinator

The Title IX Coordinator is charged with coordinating the College's program to comply with Title IX. This includes leading the College's efforts to respond to reports of conduct that could trigger this Policy. The Title IX Coordinator is also available to meet with any individual to provide information about the implementation of this 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 Title IX Coordinator, and/or other qualified members of the College community, will assist, as necessary, with these efforts.

The Title IX Coordinator at least annually will report to the College community relevant information relating to sex discrimination and its policies addressing such discrimination, such as number of reports, the number and types of matters investigated, the number and types of cases in which findings of responsibility were made, the number and types of sanctions imposed, and the time frames in which cases were resolved. The Title IX Coordinator will also monitor for any barriers to reporting and take steps reasonably calculated to address them.

Where the Title IX Coordinator 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

⁵ This determination will be made by the Title IX Coordinator.

sex discrimination 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 EO Policy, or other College policies.

VI. College Resources and Community Resources

There are several departments within the College community that can be called upon to respond to 7 incidents of inappropriate behavior and can serve as supports to individuals in many ways. As relevant to this Policy and the EO 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 triggering this Policy, you may wish to contact the PCRP. The PCRP is trained in awareness and prevention of sex discrimination, sex-based harassment, sexual assault, dating or domestic violence or stalking 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 Title IX Coordinator and how to make a complaint; explain that the Title IX Coordinator 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 Title IX Coordinator. 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, ordained priests). Other College employees serve as sexual discrimination resources and are provided confidential status as a matter of Title IX and College policy (e.g., chaplains and ombudspersons). All confidential employees may not report identifying information to the College about behavior that may constitute sex discrimination or sexual misconduct which may implicate this Policy or the EO 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 EO Policy and/or with the police and may assist in that process. They must also: provide information about how to contact the Title IX Coordinator and how to make a complaint; explain that the Title IX Coordinator 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.

Please note that any employee who receives a report about sex discrimination when not functioning in their

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.

privileged, licensed, or confidential capacity are required to report sex discrimination or possible sex 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 Title IX Coordinator and other appropriate individuals on campus. The Title IX Coordinator, 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 Title IX Coordinator and/or the 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 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 employee that is serving as an advisor for the other party. Similarly, parties should understand that confidential employees may be designated as such because of their specific role, e.g., counselors, health services personnel. 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, 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 Title IX Coordinator.

VII. Making Reports

A. Individual Reporting (Non-Anonymous)

Any individual may report behavior implicated by this Policy or the EO Policy to the Title IX Coordinator. 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 Title IX Coordinator 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, discrimination on the basis of 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 Title IX Coordinator 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. 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 Title IX Coordinator has been notified, the Responsible Employee must promptly provide that person with the Title IX Coordinator’s contact information and inform that person that the Title IX Coordinator 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](https://www.holycross.edu/office-title-ix-and-equal-opportunity) and from the College's Sexual Respect and Title IX website at <https://www.holycross.edu/office-title-ix-and-equal-opportunity>. 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 sex 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 EO 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 Title IX Coordinator 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 Title IX Coordinator.

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**

- o Worcester: 18 Chestnut St., Suite 520, Worcester, MA 01608, 508-453-9630
- o Boston: 1 Ashburton Place, Boston, MA 02108, 617-994-6000
- o Springfield: 436 Dwight Street, Springfield, MA 01103, 413-739-2145
- o 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](#).

VIII. Duty to Report Discrimination, Harassment, Retaliation and Other Misconduct

Other than the confidential employees described above in Section VI, 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 Title IX Coordinator 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 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 Title IX Coordinator 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 Title IX Coordinator.

Any Responsible Employee who fails to make a report to the Title IX Coordinator upon learning of an allegation of prohibited conduct under this Policy, the EO Policy or the Policy on Protection of Children may be subject to disciplinary action under this Policy, the EO 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](#).

IX. Consensual Sexual Relationships Involving Employees

A. 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. The College retains discretion to adjudicate the allegation separately or under the EO Policy, another College policy or procedure.

B. 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 the EO 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 Title IX Coordinator, 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. The College retains discretion to adjudicate the allegation separately or under the EO Policy, another College policy or procedure.

X. **Privacy Considerations**

A. Privacy of Parties and Witnesses

The College will take reasonable steps to protect the privacy of the parties and witnesses during the grievance procedures, provided that these steps do not restrict the parties' ability to: obtain and present evidence, including by speaking to witnesses (provided that this contact is not retaliatory); consulting with their family members, confidential resources, or advisors; or otherwise preparing for or participating in the grievance procedures. The College will not disclose personally identifiable information except when it has obtained voluntary written consent or it is disclosed to an individual with the legal or policy right to receive such disclosures to carry out the College's Title IX obligations or as required by federal or state law.

B. Unauthorized Disclosures

The College will take reasonable steps to prevent and address the parties' (and, if applicable their advisors' and support persons') unauthorized disclosure of information and evidence obtained solely through the grievance procedures. Disclosures of such information and evidence for purposes of administrative proceedings, legal claims or litigation related to the complaint of sex discrimination are authorized.

C. 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 that the College not investigate a matter or not continue with an investigation in which a Complainant 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 such cases, the Title IX Coordinator will evaluate the request for confidentiality or that an investigation/discipline not occur (which requests must be in writing) and make a fact-specific determination of whether the alleged conduct presents an imminent and serious threat to the health or safety

of any students, employees, or other persons; or whether the alleged conduct prevents the College from ensuring equal access on the basis of sex in any of its programs or activities. The Title IX Coordinator will consider several factors including, but not limited to:

- 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 sex discrimination, including whether there appears to be a pattern or history of alleged perpetration or violence, ongoing sex discrimination, or sex discrimination 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 sex discrimination would occur if a complaint were not initiated.
- The severity of the alleged sex 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 14employee 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 sex discrimination occurred; and
- Whether the College could end the alleged sex discrimination and prevent its recurrence without initiating its grievance procedures.

If the Title IX Coordinator decides to initiate a Complaint, they will inform the Complainant prior to proceeding and address reasonable concerns about the Complainant’s safety or the safety of others, including through providing supportive measures prior to proceeding. The Title IX Coordinator will also, to the extent possible, share this information with the individuals responsible for handling the College’s response and others involved in the investigation and the 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 the Title IX Coordinator 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.

D. Disclosure of Sex-Based Harassment at Public Awareness Events

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.

XI. 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 definitions of Prohibited Conduct, but also other important concepts like consent and incapacitation.

A. Prohibited Conduct

1. Sex-Based Discrimination or Harassment

Sex-based discrimination is a form of sex discrimination, including discrimination and harassment based on actual or perceived sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity or expression, marital or parental status. Sex-based harassment also includes sexual harassment (quid pro quo harassment and hostile environment harassment) and may include other forms of harassment based on sex as further described below.

2. Sex-Based Harassment

Sex-based harassment is a form of sex discrimination, including harassment based on actual or perceived sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity or expression, marital or parental status. Sex-based harassment also includes sexual harassment (quid pro quo harassment and hostile environment harassment) and may include other forms of harassment based on sex, sexual assault, dating violence, domestic violence, stalking, sexual exploitation, media-based misconduct, inducing incapacitation, and aiding and abetting as further described below). Sexual gratification is not an element required by the definition of sexbased harassment.

a. Sexual Harassment

Sexual harassment is a form of sex-based harassment, as well as a specific form of Prohibited Conduct. Sexual harassment can also occur in the context of other forms of Prohibited Conduct. For example, pervasive stalking may satisfy the definition of stalking and, if the hostile environment conditions are also satisfied, sexual harassment. Sexual Harassment can take several forms, including:

i. Quid Pro Quo Harassment

Any action taken by an employee, agent, or person authorized to provide an aid, benefit or service under the College's program or activity in which submission to or rejection of unwelcome conduct of a sexual nature is made either explicitly or implicitly a term or condition of an individual receiving an aid, benefit or service under the College's education program or activity. This can include grades, recommendations, extracurricular programs or activities, or employment opportunities.

ii. Hostile Environment Harassment

This is unwelcome sex-based conduct that, in the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the College's education program or activity (i.e., creates a hostile environment). Examples of hostile environment harassment are at this [link](#). Determination of whether a hostile environment has been created is fact- specific and will involve considering the following:

- The degree to which the conduct affected an individual's ability to access the College's education program or activity.
- The type, frequency, and duration of the conduct.
- The Parties' ages, roles within the College's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct; and
- The location of the conduct and the context in which the conduct occurred.

b. Sexual Assault

Sexual Assault is any actual or attempted physical sexual act directed against another person, without affirmative consent or when an individual is incapable of giving consent. Physical sexual acts include, but are not limited to, vaginal or anal penetration, however slight, with a body part or object, or oral copulation by mouth-to-genital contact. May also include having or attempting to have sexual contact with another individual without consent such as kissing, touching, or making other inappropriate contact with the breasts, genitals, buttocks, mouth, or any other part of the body that is touched in a sexual manner and without permission. This includes rape, sexual battery, fondling, and assault with the specific intention to commit such an act. Sexual assault may involve individuals who are known to one another or have an intimate and/or sexual relationship (relationship violence) or may involve individuals not known to one

another. A more detailed definition of these behaviors, as prohibited by state or federal law is included at [this link](#).

c. 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 this Policy, the College reserves the right to address it through the EO 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.

d. 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 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.

e. 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 the EO 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 this Policy.

f. 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 the EO 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 this Policy.

g. 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 the EO 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 this Policy.

h. Aiding or Assisting

The aiding or assisting in the commission of an act(s) of sexual violence or sex discrimination is prohibited. The College also reserves the right to adjudicate Aiding and Assisting under the EO 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 this Policy.

3. Retaliation

Retaliation includes acts or attempts to retaliate or seek retribution against a party, a witness, or any individual or group of individuals involved in the making of a complaint or participating in the process set forth in this Policy. This includes, but is not limited to, subjecting a person to an adverse action because they made a complaint under any portion of this Policy, made a report, or responded to, assisted or participated in any manner in an investigation under this Policy. Retaliation may include continued abuse or violence and other forms of harassment. For example, words or actions that are only a minor annoyance or lack of good manners do not constitute retaliation. Retaliation allegations may be consolidated with other forms of prohibited conduct defined in this section if the facts and circumstances significantly overlap. The College retains discretion to adjudicate the allegation separately or under the EO Policy, another College policy or procedure.

4. Other Violation.

Any other violation of the prohibitions set forth in this Policy, including, but 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 or other violation of this Policy, as determined by the Title IX Coordinator. The College retains discretion to adjudicate the allegation separately or under the EO Policy, another College policy or procedure.

B. Additional Important Definitions

1. Consent, Coercion, and Incapacitation

Sexual interactions must be consensual. Consent is the affirmative and willing agreement to engage in a specific form of sexual contact with another person who is capable of giving consent. Consent requires an outward demonstration, through mutually understandable words or actions, indicating an individual has chosen freely to engage in a sexual contact. Silence, passivity, or the absence of resistance does not imply consent. Relying solely on non-verbal communication may result in confusion about whether there is effective consent. It is important not to make assumptions. If confusion or ambiguity arises during a sexual interaction, it is essential that each participant stops and verbally clarifies the other's willingness to continue.

Consent can be withdrawn at any time. When consent is withdrawn, sexual activity must cease. Prior consent does not imply current or future consent; even in the context of an ongoing relationship, consent must be sought and freely given for each instance of sexual contact. An essential element of consent is that it be freely given. Consent cannot be obtained through coercion or by taking advantage of the incapacitation

of another individual.

- **Coercion:** the application of unreasonable pressure to take part in sexual activity or in any of the prohibited conduct listed in this Policy. Unreasonable pressure can be exerted through physical or emotional force, intimidation, misuse of authority, tricks, deception, or outright threats. When someone makes clear they do not want to engage in sexual activity or does not want to go beyond a certain point of sexual interaction, continued unreasonable pressure beyond that point may be considered coercive.
- **Incapacitation:** A person is incapacitated when they are so impaired as to be incapable of requesting or inviting the conduct (and therefore conduct of a sexual nature is deemed unwelcome) provided that the Respondent knew or reasonably should have known of the person's impairment or incapacitation. The person may be impaired or incapacitated as a result of drugs or alcohol or for some other reason, such as sleep or unconsciousness. Some potential indicators of incapacitation are vomiting, slurred speech, disorientation, unsteady gait, loss of memory, extreme departure from typical behavior, significant decline in motor coordination, unfocused vision, lack of participation in the sexual activity, and intermittently appearing to fall asleep.

In evaluating whether consent was given, consideration will be given to the totality of the facts and circumstances including, but not limited to, the extent to which an individual affirmatively uses words or actions indicating a willingness to engage in sexual contact, free from intimidation, fear, incapacitation or coercion; whether a reasonable person in the position of the individual alleged to have committed the conduct would have understood such person's words and acts as an expression of consent; whether the person alleged to have committed the conduct knew or reasonably should have known that the other person was incapacitated or otherwise incapable of providing effective consent; and whether there are any additional circumstances, known or reasonably apparent to the individual alleged to have committed the conduct, demonstrating incapacitation, fear, or lack of consent.

2. Complaint

A complaint is a report that can objectively be understood as a request for the College to investigate and adjudicate alleged discrimination under this Policy. A complaint may be made by the harmed individual or the Title IX Coordinator. Complaints may be made orally, but the College will typically ask the person filing the complaint to state their concerns in writing and/or affirm a written summary of the information received by the Title IX Coordinator or designee.

3. Complainant, Respondent and the "Parties"

A Complainant is a student or employee who alleges they experienced conduct that could violate a form of Prohibited Conduct under this Policy, or an individual who was participating in, or attempting to participate in, the College programs or activities who alleges they experienced conduct that could violate a form of Prohibited Conduct under this Policy. A Respondent is the person(s) alleged to have taken part in conduct that could violate a form of Prohibited Conduct under this Policy, or any other form of conduct consolidated into the process set forth in this Policy.

The Complainant and the Respondent are commonly referred to as the parties.

There may be instances where an individual, who has not experienced but is aware of the occurrence of Prohibited Conduct, may share concerns under this Policy, and that person is referred to as the Reporting Party. In situations in which a Reporting Party submits a claim, the College will determine whether and how the process will proceed based on the individual facts and circumstances of the allegation(s).

XII. How the College Will Address Allegations of Prohibited Conduct Under this 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 sex discrimination in violation of this Policy and determine what, if any, safety measures, supportive measures and/or disciplinary sanctions or remedies are appropriate. The Title IX coordinator will act to promptly and effectively end any sex 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 Title IX Coordinator or their designee, in consultation with other College personnel as 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 and the College community, and to determine the next steps for investigating the reported conduct and the need for any supportive measures. The Parties will be treated equitably by the College during all phases of the process. These initial steps may include, but are not limited to, the following:

1. Initial Contact and Availability of Reporting Options

The Title IX Coordinator will contact the Complainant to provide information about their options, offer supportive measures, discuss the nature and circumstances of the reported conduct and review relevant documentation that is available. The Title IX Coordinator 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 the matter, a Reporting Party will not receive communication regarding how a report was processed and/or adjudicated.

The Title IX Coordinator 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 Title IX Coordinator will offer and coordinate for the parties, if 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 should not unreasonably burden the other party.

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 sex-based harassment; immigration arrangements, changes to dining or transportation arrangements, and no trespass notices, among others.

The College will not disclose information about supportive measures to persons other than to who they apply unless necessary to provide the supportive measure or to restore or preserve a party's access to the education program or activity. The Title IX Coordinator 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, an interim non-punitive administrative leave or as an emergency removal (discussed below).

Either party may challenge the supportive measures applied to them, by requesting that the College modify

or reverse its decisions on the supportive measures applicable to them. This request is made to an appropriate and impartial employee, who will review the prior decision on supportive measures to determine whether it is consistent with the supportive measures standard articulated above. Where circumstances change materially, the parties also can request that the supportive measures applicable to them be modified or terminated.

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 the alleged sex discrimination and will not be issued any disciplinary sanction unless it is determined, through the processes set forth in this Policy, by a preponderance of the evidence, that they have violated this Policy.

4. Emergency or Interim Removal

The Title IX Coordinator will assess reported conduct to determine whether the circumstances warrant emergency removal from any of the College's education programs and activities. An emergency removal assessment may be made upon receiving notice, upon a complaint being filed, and/or during the grievance procedures or Informal Resolution Process. If the Title IX Coordinator, after conducting an individualized safety and risk analysis and, in consultation as appropriate with College employees, determines that there is an imminent and serious threat to the health or safety of a Complainant or any other member of the College community arising from, or closely related to the reported conduct at issue, they may remove them on an emergency basis from any of the College's education programs and activities. The threat need not be a physical threat. Any such safety measures taken by the College will not be considered or documented by the College as a disciplinary sanction. The decision to remove an individual will be communicated by the Title IX Coordinator to the affected individual(s) in writing and will be effective immediately. The emergency removal policy will not be construed to modify any rights under Section 504 or the Americans with Disabilities Act. 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.

Individuals removed from the College community under this clause will be given the opportunity to challenge the emergency removal. Within five (5) business days⁷, the individual challenging the removal must submit a written document that describes the grounds for the challenge. This document should not exceed ten (10) double-spaced pages (12-point type with one inch margins) without permission from the Title IX Coordinator and it may include outside support for why the removal was unwarranted based on the facts and circumstances involved. Character evidence is not considered in this analysis. If the individual is allowed to return to the College community, the other party will be notified, along with appropriate College staff.

5. Policy Implicated

The Title IX Coordinator will decide whether to proceed with a complaint and/or investigation within ten (10) business days. If the Title IX Coordinator determines the reported conduct could implicate this Policy, they will contact the Complainant to discuss that determination. If the Complainant wishes to proceed, then the Title IX Coordinator will initiate the investigation and/or the option of an Informal Resolution Process (if appropriate). If the Complainant requests that the process not move forward, the Title IX Coordinator will consider whether there are health or safety factors or other factors to address reported alleged sex-based discrimination or harassment or retaliation that necessitate the process still moving forward. If the complaint is moving forward, the Title IX Coordinator will notify the Respondent of the grievance procedures at this point, the option of an Informal Resolution Process (if appropriate), provide additional resources as appropriate, and offer and coordinate appropriate supportive measures.

6. Policy Not Implicated: Referral to Other Process

⁷ 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](#).

If the Title IX Coordinator reasonably determines the reported conduct would not implicate this Policy, the Title IX Coordinator will notify the Complainant in writing, dismiss the Title IX report, and refer the reported conduct to the appropriate administrator for handling consistent with any other appropriate College policy, including, but not limited to, the EO Policy. If new information is subsequently provided, the decision whether or not to investigate the reported conduct may be reevaluated. If the respondent was notified that a report was made, then the Respondent will also be advised in writing. Whether or not a complaint is initiated, the Title IX Coordinator 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. Dismissal of Complaints

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 Title IX Coordinator 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 promptly provide the Complainant with written notification of the dismissal, the rationale for it, and information about the ability to appeal and appeal grounds. 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.

8. Appeals of Dismissals

The Complainant may appeal a dismissal of their Complaint and/or any of their allegations. Dismissal appeal requests must be filed within three (3) business days of the notification of the dismissal. The Title IX Coordinator will notify the parties of any appeal of the dismissal, in cases where the Respondent had been given notice of the allegations. In such cases, the other party will be provided with the appeal documents and the ability to respond within three (3) business days of receipt. All documents will be provided to the Title IX Coordinator who will then forward them to the Appeal Officer.

The grounds for dismissal appeals are limited to:

- Procedural irregularity that would change the outcome.
- New evidence that would change the outcome and that was not reasonably available when the dismissal was made; or
- A conflict of interest or bias toward either party that would change the outcome.

The Dismissal Appeal Officer will decide within ten (10) business days and will provide notification of their decision and rationale to the relevant parties in writing.

B. Informal Resolution Process

1. Initiation of Process

At any time prior to a determination whether sex discrimination occurred, the College may offer an Informal Resolution Process to the parties, unless it would conflict with Federal, State, or local law. A party may also request an alternative resolution of a complaint rather than an investigation by contacting the Title IX Coordinator in writing. All parties and the Title IX Coordinator must voluntarily agree in

writing to use the informal resolution process, including the form the process will take, prior to the option being used. Parties will not be required or pressured to participate in the process, nor will they be required to waive the right to a determination or investigation. Participation must be voluntary. 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 Title IX Coordinator will assess the request for alternative resolution against the severity of the alleged violation and the potential risks to College community members. If the Title IX Coordinator determines that alternative resolution is appropriate, the Title IX Coordinator 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; the requirements of the Informal Resolution Process; the fact that participation must be voluntary; that, prior to agreeing to a resolution, any party has the right to withdraw from the Informal Resolution Process and to initiate or resume the grievance procedures; that the parties' agreement to a resolution at the conclusion of the Informal Resolution process will preclude the parties from initiating or resuming the resolution process arising from the same allegations; the potential terms that may be requested or offered in an Informal Resolution agreement to the extent known, including notification that an Informal Resolution agreement is binding only on the parties; and what information the College will maintain, and whether and how it could disclose such information for use in its grievance procedures.

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 Title IX Coordinator. The alternative resolution process will be conducted in accordance with procedures specified by the Title IX Coordinator, as determined in their sole discretion and will be disclosed in advance to the parties. In addition, all resolutions must be approved by the Title IX Coordinator 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 sex discrimination, harassment or other violation 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 if in the best interest of the College community.

C. The Investigation Phase⁸

1. Notice of an Investigation

If it is determined in Section XII(A) that the reported conduct implicates this Policy and an investigation is required, the Title IX Coordinator will prepare a written notice to the parties that will provide sufficient information to allow each party to respond to the allegations. This notice will typically be provided in advance of any informal resolution process, though the College retains the discretion to consider informal resolution efforts prior to issuing notice if the parties agree. Notice will include:

- A statement that the College will treat the Parties equitably.
- A description of the allegations, the parties, and the date, time, and location of the alleged

⁸ 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.

misconduct, if known.

- The specific forms of prohibited conduct that are alleged to have been violated.
- A statement that the Respondent is presumed not responsible unless and until it is determined otherwise at the conclusion of the process.
- In (a) cases alleging sex-based harassment and (b) discrimination cases not involving sex-based harassment in which both the Complainant(s) and Respondent(s) are either student(s) or current employee(s), a statement that the parties may have an advisor of their choice who may accompany them through all steps of the grievance procedures.
- That the parties, and their advisor(s) (if any), will be given an equal opportunity to inspect, review, and respond to all relevant and not otherwise impermissible evidence.
- Information about the confidentiality of the process and what information may be shared with others.
- A copy of, or link to, the grievance procedures.
- Any supportive measures in place about which the other party must be made aware.
- A statement that prior to a determination the parties will have the opportunity to present relevant and not otherwise impermissible evidence to a trained impartial Investigator.
- The name(s) of the Investigator(s), and instructions to contact the Title IX Coordinator to identify any conflict of interest that the Investigator(s) may have.
- Information about how a party may request disability accommodations during the grievance process.
- A statement that employees who are union members are entitled to applicable Weingarten rights, if applicable; and
- A statement that retaliation is prohibited.

This Notice will be provided to the parties with sufficient time to prepare in advance for any initial interview and does not constitute a finding or a determination of responsibility. If additional allegations are added to the investigation or consolidated with the investigation, the College will provide an updated written notice of such to all known parties. If the College has reasonable concerns, based on an individualized safety and risk analysis, for the safety of any person as a result of providing this notice, it may reasonably delay providing the notice to appropriately address the safety concerns.

2. Right to a Single Advisor and Single Support Person in Cases Alleging Sex-Based Harassment and Other Discrimination Cases Not Involving Sex-Based Harassment in which both the Complainant(s) and Respondent(s) are either Student(s) or Current Employee(s)

a. Advisors.

In (i) cases alleging sex-based harassment and (ii) other discrimination cases not involving sex-based harassment in 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 in this process and the advisor may attend appropriate meetings, interviews, and/or disciplinary process held pursuant to this Policy. Once an advisor has been selected by a party, the party must provide the name of the advisor to the Title IX Coordinator. Except to the extent expressly permitted otherwise, the advisor may advise their respective party privately, but cannot act as a speaking advocate at a meeting. Individuals managing the proceeding in question (e.g., investigators, Title IX 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. Accommodations, including scheduling of interviews or reviews, generally will not be made for any advisors if they significantly delay the process. The advisor is not permitted to attend a meeting or proceeding without the party they are advising present without the prior approval of the Title IX Coordinator, at their discretion. The College reserves the right to take appropriate action regarding any advisor who disrupts the process, or who does not abide by the restrictions on their participation. 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. Advisors are not permitted other than in (a) cases alleging sex-based harassment and (b) other discrimination cases not involving sex-based harassment in which both the Complainant(s) and Respondent(s) are either student(s) or current employee(s) unless an exception is made by the Title IX Coordinator in their sole discretion.

b. Support Person.

Each Party in cases alleging (i) sex-based harassment and (ii) other discrimination cases not involving sex-based harassment in which both the Complainant(s) and Respondent(s) are either student(s) or current employee(s) may also have a single support person of such party's choice present during any College grievance proceeding. This support person may only provide emotional support and may not assume the same role(s) as the advisor. While the support person must follow the limitation regarding not disrupting the process, support persons are not entitled to review evidence or any Investigative Report and are not entitled to speak during any proceeding or communicate in any manner on behalf of a Party. The Title IX Coordinator 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

The Title IX Coordinator will designate at least one Investigator to conduct a prompt, effective, equitable, and impartial investigation of the reported conduct and prepare a report of investigative findings (the "Investigation Report"). 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 an independent investigation under this Policy. The Title IX Coordinator will provide the parties with the name of the person(s) assigned to investigate the reported conduct. As soon as possible, but no later than three (3) business days after delivery of the identity of the Investigator(s), the parties must inform the Title IX Coordinator in writing of any conflicts of interest and/or alleged bias regarding the selected Investigator(s). The Title IX Coordinator will consider the nature of the conflict and/or alleged bias and determine if different individuals should be assigned as Investigator(s). The Title IX Coordinator's decision regarding any conflicts and/or bias is final. The Title IX Coordinator may consult with other College personnel to discuss any conflicts of interest.

4. Nature of the Investigation

The Investigator(s) will provide the parties with written notice of all meetings or proceedings at which their presence is invited or expected, and such notice will include the date, time, location, participants, and purpose with sufficient time for the Party to prepare to participate.

The Investigator(s) will consider relevant and not otherwise impermissible evidence and questioning. The decisions on relevance and permissibility will be made by the Investigator(s), but the parties will have the opportunity at the close of the investigation to review the Investigation Report and note if a relevant witness or relevant information was not considered. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred or did not occur.

The following evidence, and questions seeking that evidence, are considered impermissible (i.e., must not be accessed or considered, except by the College to determine whether an exception to impermissibility applies), regardless of relevance:

- Evidence that is protected under a privilege as recognized by Federal or State law or evidence provided to a Confidential Employee in that capacity, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality in writing.
- Party or witness' records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the College obtains that party or witness' voluntary, written consent for use in the College's grievance procedures.
- Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the

Complainant's prior sexual conduct with the Respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the Complainant and Respondent, by itself, does not demonstrate or imply the Complainant's consent to the alleged sex discrimination at issue or mean that there cannot be a determination that sex discrimination occurred.

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 timely 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 exercise discretion in their determination of whether such information is relevant and not otherwise impermissible.

6. Interviews and Questioning

The investigation will include separate interviews with the parties and any available witnesses whom the Investigator(s) believe will provide relevant and permissible information. If a party or witness fails to respond to communications by the Office of Title IX & Equal Opportunity within a reasonable time frame, the College may proceed with the investigation in their absence with notice to such individual. The Investigator(s) will conduct follow-up interviews as needed as determined by the Investigator(s). In (a) cases alleging sex-based harassment and (b) other discrimination cases not involving sex-based harassment in which both the Complainant(s) and Respondent(s) are either student(s) or current employee(s), (i) the Investigator(s) will provide each party with a transcript or the ability to access a recording, as determined by the Investigator(s) of every interview or meeting with enough time for each party to propose follow-up questions; (ii) the parties will provide proposed follow-up questions to the Investigator(s) in writing within three (3) business days; (iii) the Investigator(s) will ask the follow-up questions deemed relevant, not otherwise impermissible, clear and not harassing during individual meeting(s) with the appropriate individual(s); (iv) where the question is unclear and/or harassing, the Investigator will give the party an opportunity to clarify or revise it and (v) the Investigator(s) will document in the Investigation Report which proposed questions were asked, along with a rationale for not asking certain question(s). The rationale may include considerations of whether the question may elicit impermissible information, whether it is redundant, and/or whether it is not relevant. Neither party nor the party's advisor, if any, will be permitted to question or cross-examine any other party or witness.

7. 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 summary of the factual information presented during the Investigation Phase and a separate section where 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 Panel or Determination Officer. The Investigation Report will not include a determination by the Investigator(s) as to whether a party has violated this Policy or what sanctions may be appropriate. These determinations will be made by the Determination Panel, Determination Officer and the Sanctioning Officer, as applicable, subsequently 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 based on the parties' responses. The Determination Panel or Determination Officer, as applicable, will not review a Draft Investigation Report until it is finalized. 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.

8. 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 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 secure location and in a secure manner determined by the College. The time to submit written comments can be extended for a brief period if the Title IX Coordinator concludes, in their sole discretion, that the additional time is warranted. Likewise, the secure location and manner of reviewing the Investigation Report can be modified if the Title IX Coordinator deems it necessary and appropriate. The College will consider disability-related extensions to this process in a similar manner to how it considers any other disability-related accommodation. If a disability-related accommodation is provided to one party, the Title IX Coordinator will determine how to maintain fairness in the process in accord with both Title IX and relevant disability laws.

Each party may have their permitted advisor review the Investigation Report with them. Neither party (nor 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 duplicate or remove the information provided. Any individual that 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 Title IX Coordinator. After reviewing the submissions, if any, from the parties, the Investigator(s) may determine that either additional investigation or questioning is required or no further investigation or questioning is needed. If further investigation or questioning is conducted, the Investigator(s) will include any additional relevant and not impermissible information in the Investigation Report. The Investigation Report will then be submitted to the Title IX Coordinator. 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.

9. Voluntary Agreement to Policy Violation

At any point prior to the convening of a Determination Panel or the appointment of a Determination Officer, a Respondent may agree in writing to the alleged violation(s) of this 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 a sanction proposed by the Associate Vice President for Student Development/Dean of Students (students), Provost/Dean of the College (faculty) or the Vice President of Human Resources (staff or third party), as applicable. The College may also determine appropriate remedies will be afforded to the Complainant.

D. Adjudication by Determination Panel or Determination Officer.

1. Convening the Determination Panel or Appointment of a Determination Officer

The Title IX Coordinator will convene a three-member Determination Panel (the “Determination Panel”) from an established pool of individuals who receive training to decide (a) cases alleging sex-based harassment and (b) other discrimination cases not involving sex-based harassment in which both the Complainant(s) and Respondent(s) are either student(s) or current employee(s), pursuant to this Policy. The Title IX Coordinator will appoint an individual as a Determination Officer who receives training to determine any other cases who may be an Investigator in the matter or an employee in the Office of Title IX and Equal Opportunity. In no instance shall the Panel or Determination Officer include students. If a Respondent is a teaching faculty member⁹, at least one of the members of any Determination Panel, if applicable, shall be a tenured faculty member. The Title IX Coordinator will provide the parties with the names of the persons assigned as the Determination Panel members or Determination Officer, as applicable, for their case. As soon as possible, but no later than three (3) business days after delivery of the identity of the assigned Determination Panel members or Determination Official, the parties should inform the Title IX Coordinator (in writing) of any conflicts of interest or concerns about bias regarding the

⁹ For purposes of this Policy, the “teaching faculty” is defined by reference to Chapter I, Section A of the Faculty Statutes.

selected members proposed to the Determination Panel or Determination Official. If a conflict of interest or allegation of bias is raised regarding any of the individuals so assigned, the Title IX Coordinator will consider the nature of the conflict and the allegation about bias and determine if different individuals should be assigned to the Determination Panel or as the Determination Official. The Title IX Coordinator may consult with other College personnel (and shall consult with the chair of the Committee on Faculty Affairs in the case of any conflict of interest with respect to a proposed Determination Panel member or Determination Official who is a teaching faculty member) to assess any conflicts of interest. The Title IX Coordinator's decision regarding any conflicts and/or bias is final. The Title IX Coordinator will then submit the Investigation Report to the Determination Panel members or Determination Official, as applicable, and set a subsequent date for the Determination Panel or the Determination Official to determine responsibility.

2. Role and Authority of the Determination Panel or Determination Officer

The Determination Panel or Determination Officer, as applicable, will review the Investigation Report and decide whether the Respondent is responsible for violating this Policy by having engaged in some or all the reported conduct. The Determination Panel or Determination Officer 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 Panel or Determination Official, in their discretion, may invite the Investigator(s) to attend a meeting if such panel or officer, as applicable, believes it would be helpful to have an opportunity to ask the Investigator(s) any questions arising from the Investigation Report.

In (a) cases alleging sex-based harassment and (b) other discrimination cases not involving sex-based harassment in which both the Complainant(s) and Respondent(s) are either student(s) or current employee(s), the Determination Panel must review the list of follow-up questions provided by the parties to the Investigator(s) and decide whether it disagrees with any decision to exclude any question(s) as not relevant, impermissible, unclear and/or harassing. Should the Determination Panel decide it disagrees with the Investigator's decision(s), it will direct the Investigator(s) to ask such follow-up question(s) of the applicable individual(s) and provide a supplement to the Investigation Report that will be shared with the parties. In (a) cases alleging sex-based harassment and (b) other discrimination cases not involving sex-based harassment in which both the Complainant(s) and Respondent(s) are either student(s) or current employee(s), the Determination Panel may also consider whether some information allowed by the Investigator(s) is not relevant, impermissible, unclear and/or harassing and not consider that information. The Determination Panel or Determination Official, as applicable, may choose to place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible. The Panel must not draw an inference about whether sex-based harassment occurred based solely on a party or witness' refusal to respond to such questions.

The Determination Panel or Determination Official, as applicable, also has the authority, in their discretion, to question any persons identified in the Investigation Report to assess their credibility to the extent that their credibility is in dispute and relevant to one or more of the allegations. Where any such meetings occur in (a) cases alleging sex-based harassment and (b) other discrimination cases not involving sex-based harassment in which both the Complainant(s) and Respondent(s) are either student(s) or current employee(s), they will be recorded and the parties will be provided with an audio recording or transcript of the meeting. In investigations involving other allegations, the parties will be provided with a reasonable opportunity to access an accurate description of relevant and not otherwise impermissible evidence and/or access to this evidence. In connection with allegations of (a) cases alleging sex-based harassment and (b) other discrimination cases not involving sex-based harassment in which both the Complainant(s) and Respondent(s) are either student(s) or current employee(s), the parties will be given three (3) business days from the date they are provided the recording to propose follow-up questions in writing for the individual who was interviewed provided that such questions are limited to the scope of the additional questioning. The Panel will ask the follow-up questions that it deems relevant, not otherwise impermissible, clear and not harassing during individual meeting(s) with the appropriate individual(s). In (a) cases alleging sex-based harassment and (b) other discrimination cases not involving sex-based harassment in which both the Complainant(s) and Respondent(s) are either student(s) or current employee(s), the Panel will document in its determination which proposed questions were asked, with a rationale for any changes or omissions, and for any question(s) excluded will provide a rationale for not asking the question(s). The Determination Panel or Determination Officer, as applicable, as the ultimate decision-maker in the matter, is provided

broad discretion. In appropriate circumstances, the Title IX Coordinator may give special instructions to the Determination Panel or Determination Officer. The Determination Panel is encouraged to seek unanimity in result, though it may make determinations based on a two-thirds majority.

3. Determination Panel or Determination Officer Decision

Upon reaching a determination of responsibility, the Determination Panel or Determination Officer, as applicable, will provide a written notification of its determination to the Title IX Coordinator. This written determination will include the following:

- A description of the alleged sex discrimination.
- The determination on each allegation of sex discrimination using the preponderance of the evidence standard.
- The evaluation by the Determination Panel or Determination Officer of the relevant and not otherwise impermissible evidence and determination whether sex-discrimination occurred.

If the Determination Panel or Determination Officer found that sex-based discrimination or other violation occurred, the parties will be informed that the matter is referred to an individual(s) that will assign sanctions (the "Sanctioning Official"). If requested by the Title IX Coordinator, the Determination Panel or Determination Officer may provide recommendations for disciplinary sanctions, if any; any potential remedies to be provided to the Complainant; and, to the extent appropriate, remedies to be provided to other students identified by the College as experiencing the effects of the sex-based discrimination, which recommendations shall be non-binding.

4. Preponderance of the Evidence

All findings and determinations of responsibility for a violation of this Policy 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.

5. 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 in accordance with this Policy and the College reserves the right to issue a single Investigation Report, and otherwise modify the Policy to ensure all parties are afforded equal protections in compliance with federal and state law. 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.

E. Determining Sanctions

1. Sanctioning Decision

No later than three (3) business days after delivery of the notification of decision of the Determination Panel or Determination Officer and information about who the Sanctioning Official will be, the parties should inform the Title IX Coordinator (in writing) of any conflicts of interest or bias regarding the

Sanctioning Official. The Title IX Coordinator, in consultation with other College officials as appropriate, will determine whether a disqualifying conflict of interest and/or bias exists, in which case the Title IX Coordinator will appoint a different Sanctioning Official. The Title IX Coordinator's decision regarding any conflicts is final. Once it is determined that there is not a conflict, the Title IX Coordinator will provide the Sanctioning Official with a copy of the written notification of determination of responsibility of the Determination Panel or Determination Official 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 Title IX Coordinator of the sanction(s).

Sanctioning Officials will be assigned as follows and based on the role of the Respondent:

- 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 XII.G.5.
- 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, as appropriate. 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 dating violence, domestic violence, sexual assault and stalking. Note that sanctions may be combined and tailored to the behavior for which the Respondent was found responsible:

- 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.
- 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.
- 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 campus,

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, the Sanctioning Official may consider the nature and degree of the conduct in and the steps necessary to end the sex discrimination or other violation, prevent it from recurring, and remedy its effects. The Sanctioning Official may also consider any other factors that may lead to a fair and appropriate outcome under the circumstances. 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 and 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 request an impact statement from the Complainant.
- 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 the Complainant shall be considered a significant aggravating factor. The Sanctioning Official may request a written statement from the Respondent regarding other mitigating factors.
- 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 section.
- 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).

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 Title IX Coordinator 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.

F. 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 adjudication and sanction, if applicable, the Title IX Coordinator will notify the parties simultaneously and in writing of the result of the grievance proceeding. The notification to the parties of the determination shall include at minimum:

- A description of the alleged sex discrimination or other violation by the Determination Panel or Determination Official.
- The policies and procedures that were used to evaluate the allegations by the Determination Panel.
- In (a) cases alleging sex-based harassment and (b) other discrimination cases not involving sex-based harassment in which both the Complainant(s) and Respondent(s) are either student(s) or current employee(s), the Determination Panel's evaluation of the relevant and not otherwise impermissible evidence, including any critical consistencies or inconsistencies.
- The conclusion of the Determination Panel or Determination Officer on each charge alleged and the rationale for reaching that conclusion by a preponderance of the evidence. This may include how evidence or witness statements were weighed, specific documentary evidence that contributed to the finding, or other rationales for the conclusion. Note that it is not expected that the Determination Panel or Determination Officer will respond to every claim or every argument made by each party; rather, it is required to provide a finding on each policy violation alleged in the notice letter and investigated. The outcome may be in summary fashion, but with sufficient detail so the parties can understand the finding.
- If the Determination Panel or Determination Officer found that sex-based discrimination or other violation occurred, the Sanctioning Official's decision(s) regarding any disciplinary sanctions, any remedies to be provided to the Complainant and, to the extent appropriate, any remedies to be provided to other students identified by the College as experiencing the effects of the sex-based discrimination shall be attached to the outcome of the Determination Panel or Determination Officer. The Sanctioning Official will succinctly describe why the sanctions were chosen.
- The College procedures for the Complainant and Respondent to appeal.

The Title IX Coordinator will coordinate this communication to the parties and the implementation of any sanctions and remedies. No sanctions or discipline will be imposed on a Respondent unless there is a determination that the Respondent engaged in prohibited sex discrimination or other violation. The determination regarding responsibility becomes final either on the date that appeals are no longer timely, and no appeal was made, or on the date that the College provides the parties with the written determination of the result of any appeal.

The Title IX Coordinator will also inform other College officials with a legitimate educational or employment interest about the outcome of the grievance proceeding. As a general matter, those other College officials will include, but are not limited to, the following:

- If a student has been found responsible – the student's class dean and other appropriate College officials.
- If a faculty member has been found responsible, the individual's department chair, the director of any appropriate academic program and, if applicable, one or more class deans.
- If an exempt employee other than faculty member has been found responsible, the individual's direct supervisor.
- If a non-exempt employee has been found responsible – the individual's direct supervisor.
- Notice to these other individuals will be accompanied by a statement that the information may not

be further disclosed to anyone else without specific approval of the Title IX Coordinator, except as necessary to protect the safety of one or more individuals. The College reserves the right to make exceptions and provide appropriate notification in circumstances that may impact (or have impacted) the health or safety of the College community. In making such statements, the College will also consider federal and state privacy laws.

- If the alleged victim is deceased because 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 Title IX Coordinator.

G. Appeals

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. Those situations are addressed under Section XII.G.5.

1. 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 Title IX Coordinator 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 Irregularity by the Investigator(s), Determination Panel or Determination Officer, as applicable, Sanctioning Official, or the Title IX Coordinator that would change the outcome. An appeal on this basis must set forth the section of the process that was not followed and an explanation of how the irregularity changed the outcome.
- Newly discovered evidence that was not reasonably available to the party requesting review, not available to the Investigator(s), the Determination Panel or Determination Officer, as applicable, 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.
- Bias or a conflict of interest regarding the Title IX Coordinator, Investigator(s), Determination Panel or Determination Officer, as applicable, or Sanctioning Official that would change the outcome. An appeal on this basis must describe the individual(s) that presented the bias or conflict, must describe in sufficient detail the action(s) taken, and must describe how that impacted the outcome. The party filing the appeal must note if they did not raise a conflict of interest sooner and explain why. Note that general traits, without more, will not be sufficient. For example, bias or conflict of interest cannot be based solely on an individual's actual or perceived race/ethnicity, gender, identity, or sexual orientation. It shall not constitute bias solely on the basis of an Investigator or employee in the Title IX and Equal Opportunity Officer acting in the capacity as a Determination Official.

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 Title IX Coordinator. 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.

2. Opportunity of the Other Party to Review the Appeal

An appeal submitted by one party will be shared by the Title IX Coordinator with the other party. This review will take place at a secure location and in a secure manner determined by the College. The other 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.

3. Appointment of Appellate Officers and Conflicts of Interest

The Title IX Coordinator will appoint one or more Appellate Officers (the "Appellate Officer(s)") from a previously established pool of College employees or external entities contracted by the College who have received training on sex discrimination cases 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 Title IX Coordinator in consultation with the chair of the Committee on Faculty Affairs). The Title IX Coordinator 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 Title IX Coordinator in writing of any conflicts of interest or bias regarding the assigned Appellate Officer(s). The Title IX Coordinator will consider the nature of the conflict or bias and determine if different individual(s) should be assigned as the Appellate Officer(s). The Title IX Coordinator may consult with other College personnel to discuss any conflicts of interest or bias. The Title IX Coordinator's decision regarding any conflicts or bias is final.

4. Determination of Appellate Officer(s)

The Appellate Officer(s) will decide the merits of the appeal and, in so doing, may consult with the Investigator(s), the Determination Panel or Determination Officer, 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). Sanctions of all types can be imposed, in full or in part, at the sole discretion of the College while an appeal is pending.

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 Investigator(s), original or a new Determination Panel or Determination Officer¹⁰, and/or the Sanctioning Official for further consideration. If the matter is referred back to the Investigator(s), the Determination Panel or Determination Officer, and/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 proceedings, the Title IX Coordinator will be included to ensure the Policy is applied. If the Title IX Coordinator is found to have been the individual creating the issue in the appeal, a Deputy Title IX Coordinator or some other appropriate individual may be selected to serve as the Title IX Coordinator.

The decision of the Appellate Officer(s) regarding the appeal is final. The Title IX Coordinator will inform the parties simultaneously and provide the Appellate Officer(s) written justification.

5. 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:

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 XII.G.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.

¹⁰ In the case of a finding of an appeal granted for a procedural error by the Determination Panel, a new Determination Panel will be used.

Opportunity of the Other Party to Review the Appeal

Even though it is stated above, this reaffirms that the Title IX Coordinator will provide a copy of the Teaching Faculty Respondent's appeal 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.

Appointment of Appeal Panel

In the instance a Teaching Faculty Respondent appeals, the Chair of the Committee on Faculty Affairs in consultation with the Title IX Coordinator 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 sex discrimination cases and appeals. The Title IX Coordinator 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 Title IX Coordinator (in writing) of any conflicts of interest regarding the individuals proposed to be assigned to the Appeal Panel. The Title IX Coordinator will consider the nature of the conflict and determine if different individuals should be assigned to the Appeal Panel. The Title IX Coordinator shall consult with the chair of the Committee on Faculty Affairs to assess any conflicts of interest. The Title IX Coordinator's decision regarding any conflicts is final.

Final Review

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

- 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(s) to the Executive Committee of the Board for final review and consideration.
- If the Sanctioning Official recommended dismissal and the Appeal Panel reverse the adjudication, The Title Coordinator will facilitate any further process required.
- 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 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.

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 Title IX Coordinator. The parties will also be notified. The President or the Title IX Coordinator will provide the Executive Committee with the Investigation Report with all attachments, the Notification of Outcome with any attachments (including the Determination Panel or Determination Officer, as applicable, decision and the Sanctioning Official decision), all written appeal materials submitted to the Appeal Panel, and the Appeal Panel's written decision. The Executive Committee may grant both the Respondent and the Complainant the right to address the Executive Committee 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 Title IX Coordinator will inform the parties simultaneously and in writing of the outcome of the appeal.

The President and the Executive Committee of the Board of Trustees shall receive training on this Policy prior to reviewing any matter under this Section.

H. Additional Matters

1. Delegation

Where the Title IX Coordinator 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 Title IX Coordinator may designate another College official, 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 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 Title IX Coordinator for good cause. The College's overarching goal is that all complaints be investigated in a prompt, effective, equitable, and impartial manner. The parties will receive written updates of any such extensions that includes the reason for the delay and the new estimated timeframes.

3. Duty of Honesty

All parties and witnesses are obligated to be honest during the process set forth in this Policy. Any person who knowingly makes a false statement – either explicitly or by omission – in connection with any part of the process may be subject to separate and/or additional College disciplinary action under the EO 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 the Policy. A Complainant, Reporting Party or a witness who files claims that result in an investigation of sexual misconduct 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 or that the violation was egregious. An egregious violation shall include, but not be limited to, taking an action that places the health and safety of another person at risk.

4. Duty of Cooperation

All parties and witnesses are obligated to cooperate with the Title IX Coordinator and any persons charged with implementing this Policy and these procedures. Any person who knowingly interferes with the reporting, investigation, or resolution of matters under this 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 the EO Policy or other process.

5. Single Record of the Proceedings

In (a) all cases of sex-based harassment and (b) other discrimination cases not involving sex-based harassment in which both the Complainant(s) and Respondent(s) are either student(s) or current employee(s), the College will record or provide transcripts of various elements of the proceedings, as set forth in the Policy. In other cases, the College will provide access to the relevant and not otherwise impermissible evidence, or an accurate description of this evidence. If the College provides a description of the evidence, it will further provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party. No party or witness or representative of any party or witness may make audio, visual, or digital recordings of any meetings or proceedings held under this Policy or these procedures or during the review of the Investigation Report.

6. 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 Title IX Coordinator to ensure they do not impact the rights or protections of any party or witness.

7. 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.

8. 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 sex-based harassment or other unlawful 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.

9. 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 process described herein 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 Title IX Coordinator, in consultation with appropriate administrators, determines, in their sole discretion, that it is 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 Title IX Coordinator 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 Title IX Coordinator.
- If, following the receipt of an alleged violation of this Policy, the Complainant declines to participate in the investigation or resolution process, the Title IX Coordinator may decide, in their sole discretion, to administratively close the investigation at any point in the investigation or resolution process.

END OF SEXUAL MISCONDUCT POLICY

Prevention Education and Programming

Prevention Requirements under the Jeanne Clery Act

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

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

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

The prevention of sexual assault, relationship violence and sexual harassment is aligned with the mission of the College, where students are challenged to answer the question "*What are our obligations to one another?*" Respect for, and obligation to, another individual is the foundation of healthy relationships and the key to prevention.

Consistent with this mission, the College of the Holy Cross provides prevention programming and educational opportunities throughout the year and throughout a student's time at the College. Education begins with students required completion of an HC 101 online training course titled "Sexual Violence Prevention and Resources." This is an online module housed in Canvas, the college's learning management system. This training was developed by the Office of Title IX & Equal Opportunity and was informed by current base practices, legal requirements, and student input. These training modules serve as an introduction to the Office of Title IX & Equal Opportunity, define key terms from the Sex-Based Discrimination and Harassment Policy as well as the Equal Opportunity and Discriminatory Harassment Policy, and provide an overview of resources.

During the first semester of the academic year, first-year and new transfer students also participate in mandatory bystander intervention training titled "Bringing in the Bystander" through Soteria Solutions. The training is facilitated by the College's Relationship Peer Educators (RPE), a student organization and key partner in the College's awareness-raising and prevention efforts. All first year students are also asked to attend a session of the performance "Can I Kiss You" on Friday, September 13th, 2024. This performance is presented by nationally renowned author, expert, and founder of the Center for Respect, Mike Domitrz.

The Office of Title IX & Equal Opportunity offers annual signature programming as well as supplemental programming throughout the year to students with the goal of preventing sexual and relationship violence. The programming focuses on topics related to the Sex-Based Discrimination and Harassment Policy as well as the Equal Opportunity and Discriminatory Harassment Policy. This programming discusses definitions of prohibited conduct and the consequences of violating the Policies. Students are provided information on the College's process, including rights, resources, and potential sanctions. The programs also raise awareness and provide information on risk reduction and tips for safe and positive options for bystander intervention.

Programming and educational opportunities for all community members are offered throughout the year by a variety of departments: Student Wellness Education, the Department of Public Safety, the Office of Residential Life, the Counseling Center, the Chaplains Office, Academic Departments, the Office of Student Involvement, the Athletic Department, Human Resources and the Office of Title IX & Equal Opportunity, all provide programs to community members to facilitate an understanding of these issues with the goals of prevention, bystander awareness, risk reduction, and awareness raising.

In addition, through a variety of academic programs and departments, including the Gender, Sexuality and Women’s Studies concentration, the College offers numerous opportunities to learn about sexist, heterosexist, and transphobic violence, as well as other topics related to genders and sexualities.

Overview of Student Training Programs

Education begins before students arrive to campus with the completion of the “Sexual Violence Prevention and Resource online module.

HC 101 Online Training: “Sexual Violence Prevention and Resource Module”

This training serves as an introduction to the Office of Title IX & Equal Opportunity, defines key terms from the Sex-Based Discrimination and Harassment Policy as well as the Equal Opportunity and Discriminatory Harassment Policy, and provides an overview of resources. Students will also learn about upcoming prevention education requirements and initiatives, as well as how they can be involved in creating a culture of consent on campus.

Risk Reduction:

“Bringing in the Bystander”- Bystander Intervention Training licensed by Soteria Solutions.

Relationship Peer Educators (RPEs), in partnership with the Office of Student Wellness Education and the Office of Title IX and Equal Opportunities, facilitate annual mandatory training for all new students.

Students have an opportunity to learn skills that will help them be proactive campus members by being active bystanders and contributing to a safer campus community.

Learning outcomes for this training include:

- Understanding the concept of bystander intervention,
- Developing the ability to identify a continuum of inappropriate sexual behaviors, sexual and relationship violence,
- Understanding their role in bystander intervention and committing to intervening in the case of sexual and relationship violence before, during, and after an incident,
- Understanding personal barriers to bystander intervention and techniques to overcome them, including the role that factors of identity (i.e sexual orientations, race, gender identify, etc) play), and
- Developing strategies for safely intervening in instances of sexual and relationship violence in ways that fit their given ability and skill set.

Bystander Intervention Tips

- Join the conversation, change the topic and distract the parties.
- Offer to walk someone home.
- Enlist friends – yours or theirs.
- In volatile situations, call the Department of Public Safety.
- Never put yourself in harm’s way.

Programming is also offered to community members throughout the year through the Office of Title IX and Equal Opportunity’s comprehensive prevention education plan. Some of this education includes programming related to the “Red Zone,” Domestic/Dating Violence Awareness, engaging men and fostering healthy masculinity, stalking awareness, , Sexual Assault Awareness, and the root issues underlying sexual violence. RPEs provide ongoing awareness-raising programs and events on healthy relationships, bystander intervention, consent, and supporting survivors. In addition, students participate in other opportunities to raise awareness of these issues and reduce risk provided by registered student organizations, including Take Back the Night vigil, and RAD self-defense classes, offered by the Department of Public Safety.

Peer to Peer Guided Discussions titled “Let’s Talk About It” during Fall Gateways

The RPS and Orientation Leaders (OLs) were co-trained by the Office of Student Wellness Education and the Office of Title IX & Equal Opportunity to facilitate a discussion with each orientation group around topics related to sexual respect and healthy relationships. Each facilitator received a facilitation

discussion guide. These discussions covered the following: Review the definitions of prohibited behavior in the Sex-Based Discrimination and Harassment policy, resources available to students impacted by sex-based discrimination and harassment (including the difference between a confidential employee and responsible employee), the College's definition of consent, as well as personal boundaries.

“Can I Kiss You?”

First-year students are asked to attend a session of “Can I Kiss You?” There is also a session offered for faculty, staff, and upperclassmen students. Nationally renowned author, expert, and Founder of The Center for Respect, Mike Domitrz facilitates this program. During his performance, he provides participants with real solutions to talking about sex and boundaries. The program uses both humor and hard-hitting emotion to share skills that can easily be implemented into participants' lives instantly.

Mandatory NCAA Requirements:

Online Training

Holy Cross is committed to ensuring that its coaches, student-athletes and athletics administrators complete education each year in sexual violence prevention, according to a policy adopted by the NCAA Board of Governors.

Annually, all athletes participate in the course “Sexual Misconduct: Student-Athlete Awareness and Prevention”. Training areas include NCAA statistics, Alcohol and Sexual Misconduct, Types of Sexual Misconduct, Effective Consent, Prevention and Interventions and the College's Sexual Misconduct Policy.

The learning objectives for students are:

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

Required Attestation Form

All student-athletes must additionally complete the “College of the Holy Cross Student-Athlete Serious Misconduct Form” at the beginning of each new academic year in order to be eligible for athletic participation, in accordance with the NCAA Board of Governors' Campus Sexual Violence Policy. The form requires disclosure of any prior criminal convictions or Title IX proceedings related to sexual violence or sexual misconduct.

Employee Training

New employees are required to participate in two online training modules. The first is the Mosaic Sexual Harassment Prevention Training, a training that discusses forms of sexual harassment and provides tips for stepping in as a bystander. New Employees are also required to complete the “Faculty and Staff Title IX Onboarding Training”. This training introduces them to the Office of Title IX & Equal Opportunity, familiarizes them with the Sex-Based Discrimination and Harassment Policy and the Equal Opportunity and Discriminatory Harassment policy, as well as makes them aware of their obligations as a responsible employee. Employees are also offered programming related to prevention education aimed at ending sexual violence. Employees who participate in the complaint adjudication process are thoroughly trained regarding the Sex-Based Discrimination and Harassment Policy, the Equal Opportunity and Discriminatory Harassment Policy, and the associated procedures and processes.

The Office of Title IX & Equal Opportunity and the Department of Public Safety worked together to launch an online module in the College's Learning Management System, Canvas, titled "Responsible Employee and CSA Training Course". This training was launched in November 2023 and all employees were asked to complete this training by January 2024. Live training sessions were offered to any employee without access to a computer.

Sex Offender Registration

Campus Sex Crimes Prevention Act

The Federal Campus Sex Crimes Prevention Act requires colleges and universities to issue a statement advising the campus community where state law enforcement agency information concerning registered sex offenders may be obtained. The Act also requires registered sex offenders to provide to appropriate state officials notice of each institution of higher education at which the offender is employed, carries on a vocation, or is a student.

How to Inquire

Members of the College community may request information about sex offenders in Massachusetts at the Massachusetts Sex Offenders Registry Board, at 978-740-6400 or <https://www.mass.gov/orgs/sex-offender-registry-board> the Worcester Police Department 508-799-8606 or the West Boylston Police Department at 508-835-3233.

Penalties for Improper Use of Sex Offender Registry Information

Sex offender registration information shall not be used to commit a crime against an offender or engage in illegal discrimination or harassment of an offender. Any person who uses sex offender registration information for such purpose shall be punished by not more than two and one-half (2 ½) years in a house of correction or by fine of not more than \$1000.00 or both. M.G.L. c. 6, § 178N.

Any person who uses sex offender registration information to threaten to commit a crime may be punished by a fine of not more than \$100.00 or by imprisonment for not more than six months. M.G.L. c. 275, § 4.

Alcohol and Drug Policies

In accordance with the federal Drug-Free Workplace Act of 1988 and the federal Drug-Free Schools and Communities Act of 1989, College policies prohibit the unlawful manufacture, cultivation, distribution, dispensation, use, or possession illegal drugs (including controlled substances) or any drug paraphernalia and the unlawful possession, use or sale of alcohol by any member of the College community on College property and in connection with College sponsored events and activities on or off campus.

The College prohibits the use, sale, manufacturing, distribution, possession, or facilitation of the use of illegal drugs and other illegal substances. The acquisition, possession, transportation, carrying, and consumption of alcohol by individuals under 21 years of age is prohibited by law and/or college policy. All community members must comply with the applicable College alcohol and drug policy and all applicable federal, state, and local laws regarding drugs and alcohol. Individuals who violate College policy are subject to disciplinary action, up to and including immediate dismissal and also may be referred for prosecution. In addition, students charged with a violation of federal, state or local law, whether on or off the College premises, may be subject to College disciplinary action. The College will cooperate fully with law enforcement officials in the investigation and prosecution of drug related cases. In addition, students present at the time of a drug or alcohol violation may be subject to sanctions in accordance with the Community Standards Process and Procedures. <https://www.holycross.edu/office-student-integrity-community-standards/community-standards-process-and-procedures>.

Marijuana remains an illegal drug under federal law and is therefore treated as an illegal drug for the purpose of College policies. All marijuana use is prohibited on College property and in connection with

College activities, even if the intended purpose is for medicinal reasons. These prohibitions also extend to products derived from marijuana such as edibles. In addition, drug related paraphernalia such as pipes, bowls, bongs, grinders, vaporizers, or other such devices are also prohibited. Though performing work under the influence of or impaired by marijuana is prohibited, employee requests for a reasonable accommodation to use medical marijuana off-site in compliance with Massachusetts law will be evaluated on a case-by-case basis in compliance with state law and any competing federal or contractual obligations.

The College also prohibits the use or transfer of any alcoholic beverage by any employee while on College premises or while performing any job-related activity, whether on or off College premises other than the moderate consumption of alcohol by off-duty employees over 21 years of age while attending a College function at which the College has authorized alcohol to be served. Some College employees over 21 years of age may be required to possess or transport alcohol in connection with the proper performance of their positions (e.g., service of alcohol at a College function at which the College has authorized alcohol to be served).

The College forbids serving alcohol to anyone under the legal drinking age.

For information on student eligibility for federal financial aid related to convictions for drug-related offenses, please see this [website](https://studentaid.gov/understand-aid/eligibility/requirements/criminal-convictions), <https://studentaid.gov/understand-aid/eligibility/requirements/criminal-convictions>

Alcoholic beverages may not be brought into athletic events. This prohibition includes intramural and club sports as well as spectators at varsity athletic contests. The College has a “Tailgating Policy” that is a component of the College’s comprehensive approach to the consequences associated with alcohol use and abuse.

We encourage all students and employees to read and adhere to the College’s alcohol and drug policies, available through links from these pages:

- **Community Standards Process and Procedures - Student Policy Alcohol and Drug Policies:**

<https://www.holycross.edu/office-student-integrity-community-standards/community-standards-process-and-procedures>

- **Employee Drug and Alcohol Policy:**

https://www.holycross.edu/sites/default/files/files/policyprocedure/20200309_employee_drug_and_alcohol_policy_final.pdf

Alcohol and Drug Abuse Education for Employees

The College recognizes that alcohol and drug abuse are treatable illnesses. The College strongly encourages employees to seek assistance for problems of drug and alcohol abuse before the individual’s relationship with the College is jeopardized. Early intervention and support may improve the success of rehabilitation.

The College of the Holy Cross offers an [Employee Assistance Program](#) benefit, provided by KGA. Employees receive 24/7 access to a network of experts with solutions and support for busy people managing busy lives. KGA’s confidential services are available to employees and their adult household members, at no cost. Services include assistance with substance misuse.

A number of other local counseling and rehabilitation programs are available to individuals, on a confidential basis, to provide education, counseling and coordination with available community resources to assess the seriousness of suspected drug and alcohol issues and address drug and alcohol abuse problems. A list of local programs include:

REHABILITATION AND COUNSELING:

1. AdCare Hospital 107 Lincoln Street Worcester, MA 01605, (313) 217-3821.
2. Spectrum Health Systems 105 Merrick Street Worcester MA 01609, 585 Lincoln Street, Worcester MA 01605 or 475 Pleasant Street, Worcester MA, 01609 877-697-3422

COMMUNITY RESOURCES:

1. Alcoholics Anonymous - Worcester Area Intergroup 100 Grove Street, Suite 314 Worcester MA 01605, 508-752-9000. Local meeting look-up at:
<http://www.aaworcester.org/MeetingList.aspx?GRP=WAI>
2. Smart Recovery - <https://smartrecovery.org/>

The College's group health insurance plan may provide certain benefits during drug or alcohol rehabilitation to subscribers. For information, consult the booklet or website describing benefits available under the plan, or contact your health insurance carrier.

While the College recognizes substance abuse as a treatable condition, there are positions of such critical nature that substance abuse may be grounds for immediate termination including safety sensitive positions and positions which require possession of a driver's license. In addition, addiction and/or substance abuse do not excuse a violation of College policy or applicable law.

Alcohol and Other Drug Education for Students

All incoming students whether they are first year or transfer students are expected to take an on-line course that educates students regarding substance use in College. "[Matters of Substance: College Edition](#)" is a web-based educational course designed to address the critical issues of alcohol and other drug use and the impact on the college experience and personal health. These are issues that affect college students in the United States and throughout the world. This course exposes students to different students' perspectives on alcohol and cannabis use and helps to prepare them to think about their own goals regarding substance use.

In addition, incoming students attend a program facilitated by the Office of Student Wellness Education and the SWEET Peer Education Group (focus on substance use) during Fall Orientation. The program reinforces the education that was provided in the online courses regarding risk reduction in student substance use as well as emphasizes social norms data and alternative events, groups, and resources for students who choose to be substance free or are in recovery. Students may access alcohol and drug educational information, counseling, and referral through a variety of offices on campus. These include the Office of Student Wellness Education, Counseling and Psychological Services, Health Services and the Office of the College Chaplains.

The Office of Student Wellness Education presents additional programs to the campus wide community throughout the academic year. These include Alcohol Awareness Week, campus speakers, substance free community programming, and weekly all-recovery and harm reduction meeting. Other alcohol education occurs, when the office staff presents training and workshops to a variety of campus groups including: Orientation Leaders, Resident Assistants, and athletic teams. For students who have violated the College alcohol policy, educational meetings are a component of the college sanctioning procedure. Students who have violated the college alcohol and drug policy may be required to meet with a professional member from the office, for an educational meeting. Students who have required hospitalization due to alcohol intoxication are required to meet with the office staff for BASICS or CASICS, (Brief Alcohol/Cannabis Screening and Intervention for College Students), or are referred to on or off-campus resources.

Campus Advisory Board on Alcohol (CABA)

This Board is composed of students, faculty, staff and administrators. The primary responsibility is to make recommendations to the Vice President for Students Affairs on campus policy and best practices related to the issue of alcohol.

Good Samaritan Policy – Students

The College recognizes that there may be alcohol or other drug-related safety concerns, medical emergencies, and/or behavioral concerns in which the potential for disciplinary action could act as a deterrent for students who wish to seek help in the interest of their own safety and that of others. The Good Samaritan Policy allows

for students and their guests to seek such assistance from College officials including, but not limited to, Public Safety and/or Residence Life staff, without the consequence of institutional action for violation(s) of the Alcohol and Other Drug Policy. Only in situations where a good faith report is made to a College official will the Good Samaritan approach be considered. A student who is medically evaluated for alcohol or other drug use may still be required to have a follow-up meeting with a designated College official. When appropriate, the student's parents and/or legal guardians may also be contacted. The student may also be:

- Required to complete alcohol or drug education facilitated by the Office of Student Wellness Education.
- Referred to an outside program or counselor for substance abuse evaluation and/or appropriate treatment.

Disciplinary action may still occur when a student has a repeat incident requiring medical assistance and/or when other prohibited behaviors occur (e.g., disorderly behavior, failure to comply, property damage, sex misconduct).

Hazing Policy

Hazing is prohibited under Massachusetts General Laws (M.G.L. c. 269, §17) and by the *Community Standards Process and Procedures*. <https://www.holycross.edu/office-student-integrity-community-standards/community-standards-process-and-procedures>

Any form of hazing is prohibited by College policy and Massachusetts law. Hazing refers to any activity expected of someone joining a group (or to maintain full status in a group) that humiliates, degrades, or risks emotional and/or physical harm, regardless of the person's willingness to participate. Hazing activities are generally considered to be physically abusive, hazardous, and/or sexually violating. The specific behaviors or activities within these categories vary widely among participants, groups, and settings. While alcohol use is common in many types of hazing, other examples of typical hazing practices include:

- Personal servitude
- Sleep deprivation
- Restrictions on personal hygiene
- Forced isolation
- Yelling, swearing, and insulting new members/rookies
- Being forced to wear embarrassing or humiliating attire in public
- Public nudity
- Consumption of vile substances
- Brandings and other forms of physical harm
- Binge drinking and drinking games
- Sexual simulation and sexual assault

For such activities to be considered hazing, forced or mandated participation is not required. New members/rookies often feel the need to endure subtle hazing to feel like part of the group or team. If a new member feels that he or she will not be considered a fully participating member of the group or feels that they would be ostracized for not participating in particular behaviors (for example, alcohol use), then such implied coercion would be considered hazing.

Behaviors that emphasize a power imbalance between new members/rookies and other members of the group or team are termed "subtle hazing" because these types of hazing are often taken-for-granted or accepted as "harmless" or meaningless. Subtle hazing typically involves activities or attitudes that breach reasonable standards of mutual respect and place new members/rookies on the receiving end of ridicule, embarrassment, and/or humiliation tactics. Examples include:

- Deception
- Implied requirement to participate in illegal or dangerous activities
- Silence periods with implied threats for violation
- Deprivation of privileges granted to other members
- Requiring new members/rookies to perform duties not assigned to other members
- Socially isolating new members/rookies
- Line-ups and drills/tests on meaningless information
- Requiring new members/rookies to refer to other members with titles (e.g. "Mr.," "Miss") while they are identified with demeaning terms

- Expecting certain items to always be in one's possession

“Harassment Hazing” involves behaviors that cause emotional anguish or physical discomfort in order to feel like part of the group. Harassment hazing confuses, frustrates, and causes undue stress for new members. Examples include:

- Verbal abuse, threats or implied threats
- Asking new members to wear embarrassing or humiliating attire
- Stunt or skit nights with degrading, crude, or humiliating acts
- Expecting new members/rookies to perform personal service to other members such as carrying books, errands, cooking, cleaning, etc.
- Sleep deprivation
- Sexual simulations
- Expecting new members/rookies to be deprived of maintaining a normal schedule of bodily cleanliness
- Being expected to harass others

“Violent hazing” includes behaviors that have the potential to cause physical, emotional, and/or psychological harm. Examples include, but are not limited to:

- Forced or coerced (explicit or implied) alcohol or other drug consumption
- Branding, burning, beating, paddling, or other forms of assault
- Forced or coerced ingestion of vile substances or concoctions
- Water intoxication
- Expecting abuse or mistreatment of animals
- Public nudity, Bondage/abductions/kidnaps
- Expecting illegal activity
- Exposure to cold weather or extreme heat without appropriate protection

In addition to College policy, students are expected to adhere to Massachusetts law on hazing: Whoever is a principal organizer or participant in the crime of hazing, as defined herein, shall be punished by a fine of not more than \$3000 or by imprisonment in a house of correction for not more than one year, or both. The term “hazing” as used in this section and in sections eighteen and nineteen, shall mean any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation. Notwithstanding any other provisions of this section to the contrary, consent shall not be available as a defense to any prosecution under this action.” M.G.L. c. 269 Section 17.

Whoever knows that another person is the victim of hazing as defined in section seventeen and is at the scene of such crime shall, to the extent that such a person can do so without danger or peril to himself or others, report such crime to an appropriate law enforcement official as soon as reasonably practicable. Whoever fails to report such crime shall be punished by a fine of not more than one thousand dollars.” M.G.L. c. 269 Section 18.

Each institution of secondary education and each public and private institution of post-secondary education shall issue to every student group, student team or student organization which is part of such institution or is recognized by the institution or permitted by the institution to use its name or facilities or is known by the institution to exist as an unaffiliated student group, student team or student organization, a copy of this section and sections seventeen and eighteen; provided, however, that an institution’s compliance with this section’s requirements that an institution issue copies of this section and sections seventeen and eighteen to unaffiliated student groups, teams or organizations shall not constitute evidence of the institution’s recognition or endorsement of said unaffiliated student groups, teams or organizations.

Each such group, team or organization shall distribute a copy of this section, sections seventeen and

eighteen to each of its members, plebes, pledges or applicants for membership. It shall be the duty of each such group, team or organization to deliver annually, to the institution, an attested acknowledgement stating that such group, team or organization and each of its members, applicants, plebes, or pledges have received a copy of, understands, and agrees to comply with, the provisions of this section and sections seventeen and eighteen. Each institution of secondary education and each public or private institution of post-secondary education shall, at least annually and before or at the start of enrollment, deliver to each person who enrolls as a full-time student in such institution a copy of this section and sections seventeen and eighteen. Each institution of secondary education and each public or private institution of post-secondary education shall file, at least annually, a report with the board of higher education and in the case of secondary institutions, the board of education, certifying that such institution has complied with its responsibility to inform student groups, teams or organizations and to notify each full-time student enrolled by it of the provisions of this section and sections seventeen and eighteen and also certifying that said institution has adopted a disciplinary policy with regard to 16 the organizers and participants of hazing, and that such policy has been set forth with appropriate emphasis in the student handbook or similar means of communicating the institution's policies to its students. The board of higher education and, in the case of secondary institutions, the board of education shall promulgate regulations governing the content and frequency of such reports, and shall forthwith report to the attorney general any such institution that fails to make such report. M.G.L. c. 269 Section 19.

*Harassment based upon race, religion, color, national origin, age, veteran status, disability, or genetic information, sex, sexual orientation, gender identity, or expression, pregnancy, marital or parental status and sexual harassment, sexual violence, other inappropriate sexual contact, relationship violence, stalking, sexual exploitation, and retaliation are addressed by the Office of Title IX and Equal Opportunity. Please contact the Director of Title IX and Equal Opportunity (ddebobes@holycross.edu) to discuss any concern.

Fire Safety Report

Fire Safety

The College of the Holy Cross Residence Halls all have a complete Sprinkler System and a fully addressable Simplex Fire Detection System. Each building reports a fire signal directly to the Worcester Fire Department along with the campus Public Safety dispatch center. All systems are tested annually to meet state and local codes. In addition, each student room is supplied with a dry chemical fire extinguisher and a smoke detector wired to the Department of Public Safety and the Worcester Fire Department. Evacuation plan placards are located on each floor.

Definition of a Fire: For the purposes of fire safety reporting, a fire is, "Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner"

**Should a student or employee
discover that a fire has occurred they
should report it immediately to Public
Safety (508-793-2222) or to the
Worcester Fire Department (911).**

FIRE SAFETY SYSTEMS IN RESIDENTIAL FACILITIES

Facility	Fire alarm monitoring done on-site by HCPD and by alarm with WFD	Full sprinkler system	Smoke detection	Fire extinguisher devices	Evacuation plans and placards	Number of evacuation drills each calendar year
Alumni	X	X	X	X	X	1
Carlin	X	X	X	X	X	1
Ciampi	X	X	X	X	X	1
Clark	X	X	X	X	X	1
Figge	X	X	X	X	X	1
Hanselman	X	X	X	X	X	1
Healy	X	X	X	X	X	1
Lehy	X	X	X	X	X	1
Loyola	X	X	X	X	X	1
Mulledy	X	X	X	X	X	1
Townhouses	X	X	X	X	X	1
Wheeler	X	X	X	X	X	1
Williams	X	X	X	X	X	1

Public Fire Log

Because the College is an institution that maintains on-campus student housing, it must maintain a written, easily understood fire log that records, by the date that the fire was reported, any fire that occurred in an on-campus student housing facility. The fire log must include the nature, date, time, and general location of each fire.

Any entry or addition to an entry to the fire log must be made within two business days of receipt of the information. There were no fires reported 2021, 2022, or 2023.

FIRE STATISTICS REPORTING TABLE

Facility: All buildings are located at 1 College St., Worcester, MA	Total Fires in Each Building	Cause of Fire	Number of Injuries that required treatment at a medical facility	Number of Deaths Related to Fire	Value of Property Damage Caused by the Fire
Alumni	0	N/A	N/A	N/A	N/A
Carlin	0	N/A	N/A	N/A	N/A
Ciampi	0	N/A	N/A	N/A	N/A
Clark	0	N/A	N/A	N/A	N/A
Figge	0	N/A	N/A	N/A	N/A
Hanselman	1	Intentional trash fire	0	0	0
Healy	0	N/A	N/A	N/A	N/A
Lehy	0	N/A	N/A	N/A	N/A
Loyola	0	N/A	N/A	N/A	N/A
Mulledy	0	N/A	N/A	N/A	N/A
Townhouses	0	N/A	N/A	N/A	N/A
Wheeler	0	N/A	N/A	N/A	N/A
Williams	0	N/A	N/A	N/A	N/A

FIRE DRILLS

Fire drills are held for the residence halls once per year. They are announced in advance for the safety

of those involved. The drills are conducted in cooperation with Residential Life professional staff, the Department of Public Safety, and the Worcester Fire Department.

For health and safety reasons, all buildings at the College of the Holy Cross, including residence halls, are smoke free. Smoking is not permitted in any area of the buildings. In order to keep entryways smoke free, smoking is not permitted within twenty feet of entryways.

Students are provided Fire Safety Education by the Worcester Fire Department Fire Prevention Officer during orientation to the College of the Holy Cross and at other times as needed.

Employees are provided fire safety and education at the direction of their supervisors. It is the policy of the College that should anyone discover a fire situation as defined, they are to activate the fire alarm and leave the building immediately.

Policy on Portable Electrical Appliances, Smoking and Open Flames in a Student Housing Facility

Students are not allowed to use or possess personal grills or hibachis that use propane or charcoal in the residence halls or outside of the residence halls.

Designated College officials are authorized to conduct room safety inspections to ensure that there are no hazardous items and/or prohibited appliances in the rooms. These inspections may or may not be announced and may occur without a student present. If a concern and/or prohibited item is discovered, the student will be notified and/or the item may be confiscated.

The below listed items are prohibited as outlined in the *Community Standards Process and Procedures*. <https://www.holycross.edu/office-student-integrity-community-standards/community-standards-process-and-procedures>

Prohibited Items, many of which are fire hazards, include but are not limited to:

- All College buildings are tobacco free. Smoking, vaping and use of e-cigarettes is strictly prohibited. Students may not use or possess related paraphernalia, including but not limited to, vaporizers, hookahs or shishas.
- Stand-alone microwaves (approved MicroFridge units are excluded from this list)
- Curtains / window hangings / tapestries
- Any item found to be attached to, and/or hung from, smoke detectors and/or sprinkler heads/pipes Toasters, toaster ovens, hot plates, electric grills and/or griddles
- Candles, incense and/or candle/potpourri warming plates
- Extension cords (only power strips with surge protectors are permitted)
- Halogen lamps
- Live Christmas trees/wreaths and decorative lights
- Flammable liquids and/or gas-powered equipment
- Water toys and/or mini pools
- Space heaters, heat lamps
- Unauthorized wireless routers
- Window and/or portable air conditioners
- Cinder blocks or other unauthorized bed risers
- Improvised or other unauthorized lofts
- Weight-lifting equipment or other large exercise items
- Curling irons/hair straighteners must be used in common bathrooms where such facilities exist
- Grills, hibachis, LP tanks, charcoal, lighter fluid or other outdoor cooking items

Safe Evacuation During a Fire Alarm:

Whenever the fire alarm is activated, students are required to leave the building immediately, and may not return until the building fire alarm system has been deactivated, as well as receiving permission from the Residence Life staff or Public Safety. In the event of a fire, students are advised to seek out a secondary exit point of a building in the event the primary exit is affected by and involved in the fire.

Tampering with or misuse of fire alarms, fire extinguishers, smoke detectors, or any fire safety equipment or signage is prohibited.

In the event of a fire or fire alarm, students should:

- Ensure that it is safe to leave your room by checking your room door for heat or other signs of fire
- Close all doors behind you when vacating your room, suite or apartment.
- Do not use an elevator. Evacuate immediately via designated stairwells and exits
- Do not reenter the building until permitted to do so by Public Safety or another College official
- Immediately report any knowledge of the cause of an alarm to Public Safety (e.g. smoke due to cooking)
- Always follow directions of Public Safety, Residence Life, Worcester Police and/or Worcester Fire

Students and employees should notify the Department of Public Safety at 508-793-2222 or Worcester Fire Department at 911 immediately to report a fire in progress or a fire that has already occurred.

Plans for Improvement

The College upgrades fire alarm panels and devices every summer as needed. No specific plans are in place for improvements.

Annual Disclosure of Crime Statistics Pursuant to the Clery Act

The College is required to report statistics for specific crimes defined below and which are determined to have occurred in the College's Clery geography also as defined below. The statistics are included in the report for the year in which the crime was reported to the College and not necessarily the year the crime occurred.

Definitions Used for Reportable Crimes

The following definitions apply to the incidents of crime disclosed in the crime statistics tables contained within this report:

Clery Act Geography Definitions

On-campus: Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and any building or property that is within or reasonably contiguous to the area identified in the previous sentence of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

Non-campus buildings or property: Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Public property: All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

Recognized student organizations at the College do not have non-campus housing facilities

Clery Act Crime Definitions

- **Murder and Non-negligent Manslaughter:** The willful (non-negligent) killing of one human being by another.
- **Negligent Manslaughter:** The killing of another person through gross negligence.
- **Sexual Assault:** Any sexual act directed against another person without the consent of the victim, including instances where the victim is incapable of giving consent.
- **Robbery:** The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
- **Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon that could cause serious personal injury is used.)
- **Burglary:** The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.
- **Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle.
- **Arson:** Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Clery Act Sexual Offense Definitions

The following sex offenses fall within the definition of “sexual assault” under the Clery Act:

- **Rape:** The penetration, no matter how slight, of the vagina or anus, with any body part of object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
- **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

Violence Against Women Reauthorization Act (VAWA) Crimes

- **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse and does not include acts covered under the definition of domestic violence.
- **Domestic Violence:** A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others or suffer substantial emotional distress. Course of conduct is defined as two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens or communicates to or about another person or interferes with a person’s property. A reasonable person is defined as a

reasonable person under similar circumstances and with similar identities to the victim. Substantial emotional distress is defined as significant mental suffering or anguish that may, but does not necessarily require medication or other professional treatment or counseling.

The definition of the Massachusetts crime of “stalking” is different than the federal definition. The above definition reflects the federal definition reportable under the Clery Act.

“Stalking” under Massachusetts law requires that the suspect engage in a pattern of conduct or series of acts in at least 3 incidents directed at a specific person that would cause a reasonable person to suffer substantial emotional distress and involves a threat with intent to cause imminent fear of death or serious bodily harm.

“Stalking” under the federal definition and as reflected in the statistics below requires that the suspect engage in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others or suffer substantial emotional distress. Under this federal definition. “course of conduct” means two or more acts, including but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property. A threat is not required under the federal definition.

Arrests and Referrals for Discipline for Violations of Liquor, Drug and Weapons Laws

- **Liquor Law Violations:** The violation of state or local laws or ordinances prohibiting: the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness. This definition includes the manufacture, sale, transporting, furnishing, possessing, etc., of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; underage possession, using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned.
- **Drug Law Violations:** The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous nonnarcotic drugs (barbiturates, Benzedrine).
- **Weapons:** Carrying, Possessing, etc. The violation of laws or ordinances that related to weapon offenses, regulatory in nature, prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

Hate Crimes

Under the Clery Act, a hate crime is a criminal offense that manifests evidence of that the victim was intentionally selected because of the perpetrator’s bias against the targeted victim. “Bias” is a preformed negative opinion or attitude toward a group of persons based on their race, gender, religion, disability, sexual orientation, ethnicity, national origin, or gender identity. For Clery purposes, hate crimes include any Clery Act felony (murder or non-negligent manslaughter, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, or arson) together with any of the following crimes to the extent they manifest evidence of bias as defined above:

- **Larceny-theft:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Constructive possession is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.
- **Simple Assault:** An unlawful physical attack by one person upon another where neither the offender displays a weapon nor the victim suffers obvious severe or aggravated bodily injury

involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

- **Intimidation:** To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
- **Destruction, damage or vandalism of property:** To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of the property.

See Chart of Crime Statistics next page

Collected Statistics

CATEGORY	VENUE	2021	2022	2023
Murder & Non-Negligent Manslaughter	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
Negligent Manslaughter	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
Sexual Assault (Sex Offenses)				
Rape	On Campus*	3	3	0
	In dormitories or other residential facilities	3	3	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
Fondling	On Campus*	2	5	4
	In dormitories or other residential facilities	2	5	2
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
Incest	On Campus*	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
Statutory Rape	On Campus*	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
Domestic Violence	On Campus*	0	1	0
	In dormitories or other residential facilities	0	1	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
Dating Violence	On Campus*	3	1	2
	In dormitories or other residential facilities	1	1	2
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
Robbery	On Campus*	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
Aggravated Assault	On Campus*	1	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	1	0
Burglary	On Campus*	3	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	1	0
	On public property	0	0	0

CATEGORY	VENUE	2021	2022	2023
Stalking	On Campus*	3	2	4
	In dormitories or other residential facilities	0	0	1
	In or on a non-campus building or property	0	0	1
	On public property	0	0	0
Arson	On Campus*	0	2	1
	In dormitories or other residential facilities	0	0	1
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
Motor Vehicle Theft	On Campus*	1	0	2
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	1
Arrest for:				
Liquor Law Violations	On Campus*	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	1	2	0
Drug Related Violations	On Campus*	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
Weapons Possession	On Campus*	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
Judicial Referrals for:				
Liquor Law Violations	On Campus*	76	33	92
	In dormitories or other residential facilities	63	27	90
	In or on a non-campus building or property	0	0	0
	On public property	1	9	4
Drug Related Violations	On Campus*	4	2	2
	In dormitories or other residential facilities	4	2	2
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
Weapons Possession	On Campus*	0	1	0
	In dormitories or other residential facilities	0	1	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0

*This category includes all on-campus incidents, including those listed in the category “In dormitories or other residential facilities.” Therefore, the two categories are not cumulative, but possibly duplicative.

Hate Crimes

A hate or bias-related crime is not a separate, distinct crime, but is the commission of a crime that was motivated by the offender's bias toward a targeted victim or targeted group. Hate crimes under Clery include all listed Clery crimes as well as simple assault, larceny-theft, destruction of property/vandalism, and intimidation when committed against a victim based on the offender's perception that the targeted victim is a member of a protected group. Some reported incidents may be considered bias incidents but do not meet the criteria to be categorized as a hate crime. This report only includes incidents that are categorized as hate crimes by federal definition.

2021: There were no reported hate crimes in 2021.
 2022: There were no reported hate crimes in 2022.
 2023: There were no reported hate crimes in 2023.

Unfounded: Only a law enforcement officer can unfound a crime. An example of an unfounded crime is when someone reports something as stolen from their locked dorm room and thus appears to be a burglary for Clery purposes, but later the victim reports he located his property after realizing he left it in a classroom.

A report of a crime is NEVER unfounded due to:

- Insufficient evidence to prove a crime happened
- Suspicion that the report is false
- Victim changes his / her account of events
- Refusal of the victim to cooperate
- Failure to locate suspect or make an arrest
- Findings of prosecutor, jury, judge, coroner

2021: No unfounded crimes.
 2022: No unfounded crimes.
 2023: There was 1 unfounded report of stalking.
