

WILLIAM JAMES COLLEGE

SEXUAL VIOLENCE POLICY

(INCLUDING SEXUAL HARASSMENT, GENDER-BASED HARASSMENT,
DOMESTIC VIOLENCE, DATING VIOLENCE AND STALKING)

- I. POLICY INTRODUCTION
 - A. Policy Purposes
 - B. Prohibition Against Sexual Violence, Sexual Harassment, Gender-Based Harassment, Domestic Violence, Dating Violence, Stalking and Retaliation
 - C. Title IX Coordinator
 - D. Coordination with the College's Non-Discrimination and Harassment Policy
- II. DEFINITIONS AND EXAMPLES OF POLICY VIOLATIONS
 - A. Sexual Violence
 - B. Sexual Harassment
 - C. Gender-Based Harassment
 - D. Dating and Domestic Violence
 - E. Stalking
 - F. Retaliation
- III. CONSENSUAL RELATIONSHIPS
- IV. RESOURCES
 - A. Assuring Your Safety/Preserving Evidence
 - B. Resources to Obtain Confidential Medical Attention
 - C. Resources to Obtain Confidential Counseling and Support
 - D. College Resources
 - E. Relevant Government Resources
- V. REPORTING OPTIONS
 - A. Confidential Reporting Options
 - B. Non-Confidential Reporting Options
 - C. Making No Report
 - D. Timeframes for Reporting and Investigations
 - E. Amnesty Statement
 - F. Employees' Duties to Report
 - G. False Charges
- VI. PRIVACY AND CONFIDENTIALITY: ADDITIONAL CONSIDERATIONS
 - A. Requests for Confidentiality or for No Investigation
 - B. Confidentiality for Respondents Who are Students
 - C. Statistical Reporting and Timely Warnings Under the Clery Act
- VII. PROTECTIVE INTERIM MEASURES
- VIII. WRITTEN NOTIFICATION OF RIGHTS AND OPTIONS, AVAILABLE RESOURCES, SERVICES AND INFORMATION
- IX. EDUCATION AND PREVENTION PROGRAMS
- X. INDEPENDENT INVESTIGATIONS
- XI. CONCERNS
- XII. MASSACHUSETTS LEGAL DEFINITIONS

Sexual Violence Policy

William James College is committed to maintaining a safe and healthy environment that is free from all forms of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation. Consistent with this commitment, the institution complies with Title IX of the Higher Education Amendment of 1972, which prohibits discrimination and harassment on the basis of sex in education programs and activities. William James College does not discriminate on the basis of sex in admission to or employment in its education programs and activities.

This Policy prohibits all forms of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation. These behaviors are antithetical to the institutions educational mission and will not be tolerated by William James College, and the institution commits itself to the elimination, prevention and remediation of them. In accordance with that commitment and in compliance with Title IX, William James provides educational and preventative programs, services for individuals who have been impacted by violence and accessible, timely and equitable methods of investigation and resolution of complaints.

This Policy and the Complaint Investigation and Resolution Procedures are intended to comply with Title IX, the reauthorized Violence Against Women Act, including the Campus SaVE Act, the Clery Act, and the guidance documents on Title IX issued by the Department of Education's Office for Civil Rights and the White House Task Force to Protect Students from Sexual Assault.

A. Policy Purposes

By this Policy, William James College seeks to educate its community about its efforts to prevent, address and remedy all forms of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation. Accordingly, this Policy:

- states unequivocally that sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation are prohibited and will not be tolerated;
- defines and describes the misconduct that is prohibited;
- explains what to do if one experiences sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and/or retaliation;
- identifies available on- and off-campus resources;
- identifies the persons with whom you may speak confidentially;
- describes how to file a report with the College and other reporting options;
- specifies the rights of both complainants and respondents; and
- explains the institution's response to alleged incidents, including how reports of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation are evaluated, investigated and resolved.

B. Prohibition Against Sexual Violence, Sexual Harassment, Gender-Based Harassment, Domestic Violence, Dating Violence, Stalking and Retaliation

William James College prohibits and will not tolerate sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation. These behaviors violate this Policy, state and federal civil rights laws, and possibly the criminal laws of Massachusetts.

These behaviors can occur between strangers or acquaintances, including between people involved in an intimate or sexual relationship. Victims¹ can be any gender. Any person, regardless of gender identity, can commit sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation, and these behaviors can occur between people of the same or different gender.

William James College prohibits any community member (student, faculty, employee, visitor, volunteer or contractor), regardless of gender, from sexually harassing, stalking, engaging in sexual violence toward or committing domestic or dating violence against another member of the community or any other person having dealings with the institution. William James will not tolerate any form of such conduct.

Any member of the William James College community who believes that s/he has been subjected to conduct prohibited by this Policy is encouraged to report it. The College will respond promptly and effectively to all reports, and will take appropriate action to prevent, to correct, and when necessary, to discipline individuals that violate this Policy. Such discipline may include termination or dismissal.

William James College prohibits retaliation against anyone who reports sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation, who assists another in making a report, or who participates in an investigation of a report. All persons should feel free to report their concerns without fear of retribution or reprisal.

This Policy applies to all community members of William James College, including students, faculty, employees, visitors, volunteers or contractors for employment or admission. This Policy applies without regard to a person's sexual orientation, sex, gender identity, gender expression, age, race, color, nationality, class status, ability, religion, or other protected class of the parties involved.

Acts of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation that take place off campus may be subject to investigation and disciplinary action under this Policy when the conduct involves behavior by or toward a community member, which:

- occurs during institutional-sponsored events such as social functions, business-related travel, field education placements or internships;
- occurs during the events of institutional-affiliated organizations, including student groups;

¹ Although some prefer to use the term "survivor" to describe an individual who has been subjected to sexual violence, the term "victim" is also widely used. This Policy uses the term "victim" or "complainant," and does so with respect for those who have been subjected to sexual violence.

- has a negative effect on a person’s access to education programs and activities;
- adversely affects or disrupts the College’s community; and/or
- poses a disruption or threat of harm to the College community.

C. Title IX Coordinator

Pursuant to Title IX and its implementing regulations at 34 C.F.R. Part 106, William James College has appointed an official, known as the Title IX Coordinator, who is responsible for maintaining the institution’s compliance with Title IX, administering this Policy and monitoring their responsive action to ensure that the learning and working environments are free of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation. The Title IX Coordinator also monitors the steps taken to remedy the effects of the misconduct on the complainant(s), including any investigation, resolution or disciplinary proceedings, and may conduct investigations. Additionally, the Title IX Coordinator provides information about reporting options and support resources, initiates interim protective safety measures, coordinates appropriate accommodations, and, when requested, assists persons in filing complaints with law enforcement.

The Title IX Coordinator may also serve as the institution’s Equal Opportunity Officer. If these positions are held by different individuals, the EO Officer and the Title IX Coordinator may collaborate on the enforcement of any aspect of this Policy. The Title IX Coordinator should not have other job responsibilities that may create a conflict of interest. There may also be a Deputy Title IX Coordinator designated to assist the Title IX Coordinator in the performance of the Coordinator’s duties and to whom specific responsibilities may be delegated. Any person with questions, concerns or complaints related to this Policy may contact the following:

Title IX Coordinator: Dan Brent, VP of Finance and Operations, Extension 1532, 617-327-6777 or

Deputy Title IX Coordinator: Christina Harms, Director of CAFES, Extension 2273, 617-327-6777

D. Coordination with William James’ Non-Discrimination and Harassment Policy

Harassment or other misconduct related to a person’s sex, sexual orientation, gender identity or expression is sometimes also related to a person’s race, age, disability, or membership in another protected class. Discriminating against or harassing any person on such bases is prohibited by the institution’s Non-Discrimination and Harassment Policy. In cases where the conduct at issue implicates both this Gender-Misconduct Policy and the Non-Discrimination and Harassment Policy, the institution will coordinate its evaluation, investigation and resolution efforts to address the alleged harassment or misconduct on all prohibited bases.

Note: While this Policy and the Complaint Investigation and Resolution Procedures identify certain College officers and employees who have particular roles and duties, William James College may designate other officers or employees to perform specific roles and/or duties set forth in this Policy or the Complaint Investigation and Resolution Procedures.

II. DEFINITIONS AND EXAMPLES OF POLICY VIOLATIONS

A. Sexual Violence

As defined by the U.S. Department of Education's Office for Civil Rights, sexual violence "refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the [person]'s age or use of drugs or alcohol, or because an intellectual or other disability prevents the [person] from having the capacity to give consent)." Sexual violence therefore includes a broad range of prohibited behaviors including, but not limited to:

1. Sexual Assault

Sexual assault is any kind of sexual physical contact that involves any form of coercion or intimidation or force and/or sexual physical contact with a person who does not give consent or is unable to give consent. Sexual physical contact includes the intentional touching of another person on an area of the body generally recognized as a private part of the body, or touching any part of another person's body with a private part of one's own body, no matter how slight. Sexual intercourse means penetration, no matter how slight, of a bodily orifice (vagina, anus, or mouth) by an object or by a body part, and/or non-consensual fellatio or cunnilingus with anyone without consent.

Examples of sexual assault include:

- rape;
- non-consensual sexual contact (an intentional physical contact of a sexual nature with anyone without the individual's consent, or attempts to commit the same);
- non-consensual sexual intercourse (engaging, continuing to engage, or attempting to engage in sexual intercourse without the other's consent);
- advancing sexual activity without consent;
- ignoring a partner's objections to sexual activity on one occasion given past consent to sexual activity; and
- engaging in manipulative, threatening and coercive behavior to obtain consent.

2. Sexual Exploitation

Sexual exploitation occurs when a person takes sexual advantage of another person for the benefit of anyone other than that person without that person's consent.

Examples of sexual exploitation include:

- prostituting another person;
- recording images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness without that person's

consent;

- distributing images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to such disclosure and objects to such disclosure; and
- viewing another person's sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's consent, and for the purpose of arousing or gratifying sexual desire.

3. Incest

Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. Incest and attempts to commit Incest are prohibited.

4. Statutory Rape

Statutory rape is sexual intercourse with a person who is under sixteen years of age. Mass. Gen. Laws c. 265, § 23. Statutory rape and attempts to commit Statutory Rape are prohibited.

5. Aiding in the Commission of the Violence

The aiding or assisting in the commission of an act(s) of Sexual Violence as an accomplice is prohibited under this Policy.

6. Consent and Incapacitation

Consent is an understandable exchange of affirmative words or actions, which indicate a willingness to participate in mutually agreed upon sexual activity. Consent must be informed, freely and actively given. It is the responsibility of the initiator to obtain clear and affirmative responses at each stage of sexual involvement. Each person involved in a sexual activity must willingly and knowingly engage in the activity. Whether an individual has taken advantage of a position of influence over an alleged victim may be a factor in determining consent.

Silence, previous sexual relationships or experiences, and/or a current relationship may not, in themselves, be taken to imply consent. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Consent to sexual activity may be withdrawn at any time, as long as the withdrawal is communicated clearly.

An individual who is incapacitated by alcohol and/or other drugs both voluntarily or involuntarily consumed may not give consent. Alcohol or drug related incapacitation is more severe than impairment, being under the influence, or intoxication. Evidence of incapacity may be detected from context clues, such as slurred speech, bloodshot eyes, the smell of alcohol on the breath, shaky equilibrium, vomiting, unusual behavior, or unconsciousness. While context clues are important in helping to determine incapacitation, these signs alone do not necessarily indicate incapacitation.

Persons unable to consent also include, but are not limited to: persons under age 16; persons who are intellectually incapable of understanding the implications and consequences of the act or actions in question; and persons who are physically helpless. A physically helpless person is one who is asleep, blacked out, involuntarily physically restrained, unconscious, or, for any other reason, unable to communicate unwillingness to engage in any act.

The use of alcohol or drugs to render another person mentally or physically incapacitated as a precursor to or part of a sexual assault is prohibited by this Policy. The use of alcohol, medications or other drugs by the respondent does not excuse a violation of this Policy.

7. Force

Force is the use of physical strength, violence, threats of violence or intimidation (implied threats of violence) to gain sexual access. A person who is the object of actual or threatened force is not required to physically, verbally or otherwise resist the aggressor.

8. Coercion

Coercion is unreasonable pressure or emotional manipulation to persuade another to engage in sexual activity. When someone makes it clear that s/he does not want to engage in sexual behavior, or s/he does not want to go beyond a certain point of sexual interaction, continued pressure beyond that point can be considered coercive. Being coerced into sexual activity is not consent to that activity.

B. Sexual Harassment

Unwelcome verbal, non-verbal and/or physical behavior of a sexual nature when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education; and/or
- submission to, or rejection of, such conduct by an individual is used as a basis for academic or employment decisions affecting that individual; and/or
- such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating a sexually intimidating, hostile, or offensive employment or educational environment.

A single or isolated incident may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to provide a hostile environment, particularly if the harassment is physical. Likewise, a series of incidents may be sufficient even if the sex-based harassment is not particularly severe.

Sexual harassment can occur between community members of any gender. It can occur between equals (e.g., student to student, staff member to staff member, faculty member to faculty member) or between persons of differing power status (e.g., supervisor to subordinate, faculty member to student). Although sexual harassment often occurs in the context of an exploitation of power by the individual with the greater power, it is possible for a person who appears to have less power in a relationship to

commit sexual harassment (e.g., a student harassing a faculty member).

In order for conduct to constitute sexual harassment under this Policy, a reasonable person under similar circumstance would have to conclude that the behavior was harassing or discriminatory.

Reasonable directions or warnings by authorized College personnel as to the time, place and manner in which employees perform their assigned responsibilities, students carry out their educational assignments or program participants engage in sponsored activities do not constitute evidence of sexual harassment under this Policy.

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

- repeatedly pressuring another person for sexual activity;
- making sexist remarks about an individual's clothing, body or sexual activities;
- unnecessary touching, patting or pinching another person;
- demanding sex from a subordinate while making implied threats concerning the subordinate's job;
- demanding sex from a student while making implied threats concerning the student's grade;
- electronically transmitting derogatory, demeaning or pornographic materials;
- posting explicit sexual pictures on an exterior office door or on a computer monitor;
- and sexually assaulting another person.

A *hostile environment* exists when sex-based harassment is sufficiently serious to deny or limit a person's ability to participate in or benefit from programs or activities. A hostile environment can be created by anyone involved in the institution's programs or activities (e.g., administrators, faculty members, students, and campus visitors).

In determining whether sex-based harassment has created a hostile environment, the College considers the conduct in question from both a subjective and objective perspective. It will be necessary, but not enough, that the conduct was unwelcome to the person who was harassed. The College will also need to find that a reasonable person in the victim's position would have perceived the conduct as undesirable or offensive in order for that conduct to create or contribute to a hostile environment.

To make the ultimate determination of whether a hostile environment exists for campus community member(s), the College considers a variety of factors related to the severity, persistence, or pervasiveness of the sex-based harassment, including: (1) the type, frequency, and duration of the conduct; (2) the identity and relationships of persons involved; (3) the number of individuals involved; (4) the location of the conduct and the context in which it occurred; and, (5) the degree to which the conduct affected one or more person's education or employment.

C. Gender-Based Harassment

Unwelcome conduct of a nonsexual nature based on a person's actual or perceived sex, including conduct based on gender identity, gender expression, and nonconformity with gender stereotypes, is prohibited when:

- submission to such conduct is made either explicitly or implicitly a term or condition

- of an individual's employment or education; and/or
- submission to, or rejection of, such conduct by an individual is used as a basis for academic or employment decisions affecting that individual; and/or
- such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating an intimidating, hostile, or offensive employment, educational, or living environment based on gender.

Examples of gender-based harassment include, but are not limited to:

- using derogatory comments and terms toward a male or female who do not act in ways that align with their gender stereotype, such as a male being called names for being interested in the arts or a female being called names for being interested in construction;
- telling someone to use a restroom that does not align with that person's gender identity; and
- making generalized derogatory comments about one gender, such as "all females" are _____ or "all males" are _____.

While harassment based on non-sexual factors may be distinguished from sexual harassment, these types of behaviors may contribute to the creation of a hostile environment. Thus, in determining whether a sexually hostile environment exists, William James College may consider acts of gender-based harassment. In order for conduct to constitute gender-based harassment under this Policy, a reasonable person under similar circumstance would have to conclude that the behavior was harassing or discriminatory.

Reasonable directions or warnings by authorized College personnel as to the time, place and manner in which employees perform their assigned responsibilities, students carry out their educational assignments or program participants engage in sponsored activities do not constitute evidence of gender-based harassment under this Policy.

The definition of hostile environment provided under the Sexual Harassment section above also applies in the context of gender-based harassment.

D. Dating and Domestic Violence

Domestic and dating violence are acts of abusive or coercive behavior (physical, sexual, financial, verbal and/or emotional) used by a perpetrator to gain or exercise control over another, including any behaviors that intimidate, manipulate, humiliate, isolate, frighten, threaten, blame, hurt, injure, or wound someone. Domestic and dating violence can occur in relationships between persons of any gender.

Domestic violence is such behavior directed against a current or former spouse, family member (blood, step, adoptive or foster), person with whom a child is shared, or cohabitant (possibly a roommate).

Dating violence is such behavior directed against another person in a social relationship of a romantic or intimate nature, and where the existence of such a relationship is determined based on a consideration of the length and type of relationship and frequency of interaction between the persons involved.

Examples of domestic and dating violence include, but are not limited to:

- hitting, slapping, punching, kicking, pulling hair or other physical misconduct;
- isolating a partner from family and friends;
- destroying a partner's personal items;
- physically assaulting the child of a partner;
- pursuing sexual activity when a partner is not fully conscious, is not asked, or is afraid to say no, or coercing a partner to have sex without protection;
- threatening to reveal a person's sexual orientation without the person's permission;
- exhibiting excessive possessiveness and jealousy;
- constantly belittling or insulting a partner;
- checking a partner's cell phone or email account without permission;
- demanding that a partner dress or act in a certain way; and/or
- threatening violence against the victim's acquaintances, friends, or family members.

E. Stalking

Stalking refers to a pattern of harassing, threatening, or unwanted behavior that causes an individual to experience emotional distress and/or to fear for his/her safety. Stalking may occur in a range of formats including, but not limited to, in-person, written letters or notes, voice mail, email, text messaging, following someone utilizing global positioning system (GPS), video and audio recording, and social networking.

Examples of stalking behaviors include, but are not limited to:

- repeated unwanted or unsolicited contact or leaving unwanted gifts or items;
- posting disturbing messages or threats online;
- creating, attempting to create, or disseminating unauthorized audio or video recordings of another individual;
- gathering information about an individual from family, friends, co-workers, and/or classmates, or by electronic means by installing spy-ware on a computer or using GPS;
- threats in any form about an individual or their loved ones or threats to harm oneself;
- pursuing, waiting, or showing up uninvited at a workplace, residence, classroom, or other locations frequented by an individual; and
- directing a third party to take any of the above acts.

F. Retaliation

William James prohibits retaliation against any person for making a complaint of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and/or retaliation, for assisting in making a complaint, for resisting or openly opposing such conduct, or for otherwise using or participating in the complaint investigation process under the Policy. Persons who file, or participate in the investigation or resolution of, claims or complaints of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and/or retaliation with outside agencies, law enforcement or otherwise pursuant to any applicable state or federal law, are also protected from retaliation by this Policy.

Prohibited retaliation includes, but is not limited to: threats; intimidation; reprisals; continued harassment or misconduct; other forms of harassment; slander and libel; and adverse actions related to employment or education. Retaliation can be committed by individuals or groups. Retaliation, even in the absence of provable sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation in an underlying complaint, constitutes as violation of this Policy that is just as serious as the main offense itself.

Anyone who believes that s/he is the object of retaliation, or any person with questions or concerns about retaliation, is encouraged to contact the EO Officer: Ellen Collins, extension 1531.

Note: Incidents of sexual violence, domestic violence, dating violence, stalking or retaliation as described above may also constitute criminal actions when they meet the standards set forth in Massachusetts criminal laws. The relevant Massachusetts crime definitions are included in Section XII of this Policy. An individual can be prosecuted by the Commonwealth for violating a criminal law and be subject to discipline for violating this Policy by the College.

III. CONSENSUAL RELATIONSHIPS

William James College does not intrude upon private choices regarding personal relationships when these relationships do not violate the institution's policies, or cause harm or increase the risk of harm to the safety and wellbeing of members of the campus community. Consensual romantic and/or sexual relationships in which one party retains a direct supervisory or evaluative role over the other party are unethical and create a risk for real or perceived coercion.

A. Faculty/Administrator/Staff Member Relationships with Students

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

B. Relationships Between Supervisors and Subordinates or Between Co-Workers

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

IV. RESOURCES

The institution encourages all persons who have experienced any form of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking or retaliation to talk to someone about what happened to get the support they need, and to avail themselves of all available resources, no matter when the incident occurred.

A. Assuring Your Safety/Preserving Evidence

If you or another person is in immediate danger or needs immediate medical help, call 911 or the Newton Police at 617-796-2100 or Boston Police 617-343-4633.

If an incident occurs, the institution strongly encourages victims to report the incident and seek both medical and police assistance for the victim's protection and that of the entire campus. Seeking immediate medical attention is the best option to preserve evidence and ensure an optimal remedial response. William James College will assist any community member in getting to a safe place, providing transportation for medical help, and coordinating the institution's response to the incident with law enforcement. Seeking police or medical assistance does not obligate a victim to make a complaint or take any further action.

Any individual who has experienced an act or acts of gender-based misconduct is encouraged to take steps to preserve evidence of the incident, as doing so may be necessary to the proof of a criminal act or to obtain a protection order from the court. After an incident occurs, victims should try to refrain from bathing or showering, brushing teeth, drinking, eating, douching or changing clothes until the evidence can be collected. If clothing is changed, each garment should be placed in a separate paper (not plastic) bag. If the incident involves any written or electronic communications (e.g., pictures, texts, social media posts, videos, etc.), take care to preserve copies and not delete the originals.

B. Resources to Obtain Confidential Medical Attention

Medical attention is strongly encouraged to treat any possible injuries, including internal injuries, or infections. Please note that there are some medical actions that are more effective if taken within a few days after an offense, such as preventative treatment for pregnancy and sexually transmitted infections, evidence collection, and toxicology testing if there are signs that drugs or alcohol facilitated the offense. Generally you may discuss the incident with licensed medical personnel on a confidential basis.

The following hospitals are part of the Sexual Assault Nurse Examiner Program (SANE). This program has specially trained nurses who can examine you and collect evidence. They will also call the Boston Area Rape Crisis Center (BARCC) and a trained Medical Advocate can meet you at the hospital. You may be faced with confusing medical and legal decisions, and the Medical Advocate can help you through the process.

Beth Israel Deaconess Hospital
148 Chestnut Street
Needham, MA 02492

781-453-3000 – Non Emergency Number
Hours: 24 Hours a Day/7 Days a Week

Newton Wellesley Hospital (Designated Boston SANE Hospital)
2014 Washington Street
Newton, MA 02462
617-243-6000 – Non Emergency Number
Hours: 24 Hours a Day/7 Days a Week

Other SANE hospitals in the Boston area are:

- Beth Israel Deaconess Medical Center
- Boston Medical Center
- Brigham and Women’s Hospital
- Cambridge Hospital
- Children’s Hospital
- Massachusetts General Hospital

For more information about SANE services and where to obtain them, see:
<http://www.mass.gov/eohhs/gov/departments/dph/programs/community-health/dvip/violence/sane/designated-sites/boston-regions.html>.

C. Resources to Obtain Confidential Counseling and Support

Generally, you may discuss the incident with a licensed mental health counselor or a counselor recognized by a religious order or denomination on a confidential basis. Please see Section V “Privacy and Confidentiality: Know Your Options” of this Policy for more information.

These counselors are good options if you want to discuss your situation with someone who can keep your information as confidential as possible while assisting you to determine what steps to take, such as obtaining further counseling, seeking medical attention, preserving evidence, and/or reporting to the College or law enforcement authorities then or at a later time.

1. Confidential Counseling and Support Resources at William James College

| | | | | |
|--|----------------------------|--------------------------------------|------|--|
| Joan Axelrod Joan_Axelrod@williamjames.edu | Academic Resource Director | Monday-Friday 9:00a.m. – 5:00p.m. | 1341 | Disability Services; Remedial Services; Counseling |
|--|----------------------------|--------------------------------------|------|--|

2. Confidential Community Counseling and Support Resources

Many off-campus counseling resources are available to assist you. These off-campus service providers are not required to report any information to the College and will generally maintain your confidentiality.

City of Newton Police: 617-769-2100

City of Boston Police: 617-343-4633

| | |
|--|--|
| White House Initiative to Combat Sexual Assault on College Campuses www.notalone.gov (searchable local resources and hotlines) | The National Stalking Resource Center http://www.victimsofcrime.org/our-programs/stalking-resource-center |
| National Sexual Assault Hotline (800) 656-4673 (24 hour) | RAINN [Rape Abuse & Incest National Network] (800) 656-4673 (Hotline) www.rainn.org (Online Chat Live) |
| National Domestic Violence Hotline (800) 799-7233 (24 hour) | MA Spanish Language Rape Crisis Center (800) 223-5001(Hotline) |
| National Suicide Prevention Lifeline (800) 273-8255 (Hotline) | Victim Rights Law Center 115 Broad Street, 3rd Floor Boston, MA 02110 Phone: 617-399-6720 (legal services for victims of sexual assault) |

Additionally, the Rape Crisis Centers listed below offer FREE services to victims of sexual violence, including:

- 24/7 hotline counseling, information, and referral;
- will go with victims to hospitals and/or police stations 24/7;
- will go with victims to court;
- provide one-to-one counseling and support group counseling; and
- provide primary prevention education; professional training; outreach.

Greater Boston Area

Boston Area Rape Crisis Center (BARCC)
99 Bishop Allen Drive
Cambridge, MA 02139
24/7 Hotline: 800-841-8371
TTY: 617-492-6434

Our Boston Office

989 Commonwealth Avenue
Boston, MA 02215
24/7 Hotline: 800-841-8371
(Office) 617-492-8306
(Fax) 617-492-3291

Services are available in Spanish, French and Kreyol.

Northeastern Massachusetts

YWCA North Shore Rape Crisis Center, Lynn, 800-922-8772 Hotline, 781-477-2312
Office
Center for Hope and Healing, 800-542-5212 Hotline, 978-452-8723 TTY
YWCA of Greater Lawrence, 877-509-9922 SA Hotline, 978-686-8840 TTY

Central Massachusetts

Pathways for Change, Worcester, 800-870-5905 Hotline, 888-887-7130 TTY
Rape Crisis Center of Central Mass., Fitchburg, 800-870-5905
Wayside Victim Services, Milford, 800-511-5070 Hotline, 508-478-4205 TTY

Southeastern Massachusetts

A Safe Place, Nantucket, 508-228-2111 Hotline, 508-228-7095 TTY

Independence House/Cape Cod Rape Crisis Center, Hyannis, 800-439-6507 Hotline, 508-778-6782 TTY

Martha's Vineyard Community Services/CONNECT to End Violence, Vineyard Haven, 508-696-7233 Hotline, 508-684-8176 TTY

New Bedford Women's Center, New Bedford, 508-996-6636 Hotline, 508-996-1177 TTY
New Hope, Attleboro, 800-323-4673 Hotline/TTY

Health Imperatives, Brockton, 508-588-8255 SA Hotline, 508-894-2869 TTY

Western Massachusetts

Elizabeth Freeman Center, Pittsfield, 866-401-2425 Hotline, 413-499-2425 TTY

Center for Women and Community, Amherst, 413-545-0800 Hotline, 413-577-0940 TTY
NELCWIT, Greenfield, 413-772-0806 Hotline, 413-772-0815 TTY

YWCA of Western Mass., Springfield, 800-796-8711 Hotline, 413-733-7100 TTY

As the above contact information may be subject to change, current contact information on rape crisis centers in Massachusetts can be found at: <http://www.mass.gov/eohhs/gov/departments/dph/programs/community-health/dvip/violence/rape-crisis-centers.html>.

More information regarding programs and services offered by the Commonwealth for victims of sexual and domestic violence see:

<http://www.mass.gov/eohhs/gov/departments/dph/programs/community-health/dvip/violence/sapss/>.

D. College Resources

In addition to the confidential resources listed above, William James College offers a variety of resources to those who have experienced or been affected by sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking or retaliation. While the following individuals and offices are not bound by confidentiality, they will maintain your privacy within the limited group of College personnel necessary to address the issues presented.

The following individuals are located at One Wells Avenue, Newton, MA 02459.
Phone Number: 617-327-6777

| Name | Title | Hours | Ext | Services Provided |
|---|--|---------------------------------------|------|--|
| Dan Brent Dan_brent@williamjames.edu | VP of Finance and Operations, Title IX Coordinator | Monday-Friday 9:00 a.m. – 5:00p.m. | 1532 | Coordinates efforts in response to student crisis |
| Ellen Collins ellen_collins@williamjames.edu | Director of Human Resources, EO Officer | Monday-Friday 9:00a.m.– 5:00 p.m. | 1531 | Coordinates efforts in response to student crisis; promote ethical conduct |
| Josh Cooper Josh_cooper@williamjames.edu | Dean of Students | Mon – Friday 9:00a.m. – 5:00p.m. | 2241 | Coordinates efforts in response to student crisis; standards of behavior; assist in remedy |
| Joan Axelrod Joan_Axelrod@williamjames.edu | Academic Resource Director | Monday-Friday 9:00a.m. – 5:00p.m. | 1341 | Disability Services; Remedial Services; Counseling/Support Resources |

| Name | Title | Hours | Ext | Services Provided |
|---|--|---------------------------------------|------|--|
| Christina Harms Christina_harms@williamjames.edu | Director, CAFES Deputy Title IX Coordinator | Monday-Friday 9:00a.m.– 5:00.m. | 2273 | Coordinates efforts in response to student crisis |

E. Relevant Government Resources

The following agencies may provide additional resources for persons wishing to file a complaint of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and/or retaliation outside of William James College complaint investigation procedures. You may also contact the agencies if you have any questions or concerns about the application of Title IX and/or the institutions compliance with Title IX.

U.S. Department of Education,
Office for Civil Rights
<http://www2.ed.gov/about/offices/list/ocr/index.html>

U.S. Department of Justice, Office on
Violence Against Women
<http://www.ovw.usdoj.gov/>

U.S. Department of Education
Office for Civil Rights
33 Arch Street, 9th Floor
Boston, MA 02119-1424
Telephone: (617) 289-01111
TDD: 877-521-2172
Email: OCR.Boston@ed.gov

Office on Violence Against Women
145 N St., NE, Suite 10W.121
Washington, D.C. 20530
202-307-6026
Fax: 202-305-2589
Email: ovw.info@usdoj.gov

Persons wishing to file a complaint of gender discrimination or sexual harassment under state law, or who have questions about the state’s law on gender discrimination and sexual harassment, may contact the Massachusetts Commission Against Discrimination as follows:

Boston Office:
One Ashburton Place
Rm. 601
Boston, MA 02108
(617) 727-3990

Worcester Office:
Worcester City Hall
455 Main Street, Room 101
Worcester, MA 01608
(508) 799-8010

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

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

V. REPORTING OPTIONS

William James College strongly encourages all who have experienced sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and/or retaliation to report the incident so that the College may provide victims with support services and pursue an administrative resolution regarding the alleged perpetrator. The institution

prohibits and will not tolerate retaliation against anyone who makes a report.

You have several options for reporting: **Confidential Reports, Non-Confidential Reports** and **Making No Report**. While each option will be described for you in detail below and summarized at Appendix A, as a general rule, if William James College receives a report of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and/or retaliation, it must investigate the report. If you are unsure of someone's duty to report or ability to maintain your privacy, you should ask them before you talk to them about an incident. They will be able to tell you if they are required to make a report and they can identify others who can help you.

All parties and witnesses to incidents of such prohibited conduct have reasonable expectations of privacy in matters reported and investigated under this Policy. The College wants all community members to seek the assistance they need without fear that their private information will be shared more broadly than they would like. Federal and state laws, however, impose reporting obligations on certain William James College employees that, under some circumstances, require those employees to share information about an incident of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and/or retaliation with others at the institution. Even when these employees have an obligation to report, they will protect the privacy of the reporter to the greatest extent possible and share information on only a need-to-know basis.

When you make a report, a College employee or official will try to ensure that you are informed of their reporting obligations, and they will direct you to Confidential Resources to whom you may make a private report. So that you fully understand your ability to make reports and your ability to keep your information confidential, please review the following reporting options. If you need assistance in making a report, please contact the Title IX Coordinator.

A. Confidential Reporting Options

1. Clergy, Pastoral Counselors, Licensed Medical and Mental Health Providers

You may report sexual violence, sexual harassment, gender-based harassment, domestic violence, dating, stalking and/or retaliation in confidence to licensed mental health counselors, licensed health care personnel, pastoral counselors or clergy who work in those capacities for William James College. Employees may also report such prohibited conduct in strict confidence through the EAP. Except in rare, extreme circumstances, these individuals will share nothing about you without your permission. For example, a College official who works as a clinical provider is legally required to break confidentiality when there appears to be a risk of immediate harm. Also, the College may be required to notify the Massachusetts Department of Children & Families if it receives a report regarding the abuse (including sexual assault) of a child.

Even if you do not wish to make a complaint, these individuals can help you obtain support services and provide you with information about your options. Please bear in mind, however, that if you request certain protective interim measures from the College, e.g., extension for academic work or changing classes

or work locations (see Section VIII), the Dean of Students and/or other College officials as necessary may be contacted only for the purpose of providing the requested accommodation. In such cases, your privacy will be maintained to the strictest extent possible.

You may also confidentially report sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and/or retaliation to community support resources, which are not required to share information with the institution.

2. Anonymous Reporting

You may also file an anonymous report with the Title IX Coordinator by mailing or submitting a written statement (without including your personal identification). Anonymous reports will typically be used only for statistical data collection under the Clery Act, will be kept confidential, and will not be used to initiate an investigation or a complaint except: (1) when necessary to comply with applicable law; or (2) to protect the health and safety of the College community.

Compliance Hotline number:

| | |
|---------------|--------------|
| Toll Free: | 844-490-4357 |
| Local Direct: | 617-564-9363 |
| Internal Ext: | 2248 |

You can leave an anonymous message or report. It is up to you if you would like to leave a number or any other information.

B. Non-Confidential Reporting Options

1. Campus Reporting Options

Persons can report violence to a College official, such as the Human Resources Director, Title IX Coordinator, Deputy Title IX Coordinator, the Dean of Students, or the Dean of Academic Affairs. The College will conduct appropriate follow-up to ensure the complainant has access to support, services, safety measures, and accommodations.

William James College recognizes that you may feel most comfortable disclosing an incident to another employee that you know well, such as a faculty member. Pursuant to Title IX, however, certain employees are required, under nearly all circumstances, to report incidents to the Title IX Coordinator. These employees, known as “Responsible Employees” or “REs” are those with supervisory responsibilities or the authority to address or remediate sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation, or whom a student might reasonably believe has such supervisory responsibility or authority.

The College encourages you to speak with an RE so that the incident can be investigated and properly resolved. When you make a report to an RE, you have the right - and should expect - the William James College to take your report seriously, to undertake a prompt, thorough and fair investigation, and to resolve the matter in accordance with the procedures in this Policy.

The REs at William James College include persons holding the following positions:

- The President
- Vice President of Academic Affairs
- Vice President of Finance
- Department Chairs
- The Title IX Coordinator;
- Human Resources Director/EO Officer;
- Dean of Students;
- Faculty Advisors;
- Advisors to Student Organizations; and
- Certain other staff members with supervisory responsibilities.

Once an RE receives the report, the College is “on notice” of the incident and is then required, under most circumstances, to investigate. If you make a report to an RE, however, only the people who need to know about your report will be told, and your personal information will be shared only as necessary: (1) with investigators, witnesses, and the accused; (2) with other College officials to provide interim measures or accommodations; or (3) when required to be disclosed by law.

Whenever possible, REs will disclose their duty to report incidents before someone reveals information about an incident. REs will also inform a person making a report of their option to make a confidential report on campus, and where to obtain support services.

Accordingly, unless a William James College employee or official is identified as a Confidential Resource in Appendix A, most other College employees and officials who receive reports of incidents of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and/or retaliation are required to report them to the Title IX Coordinator.

2. Criminal Reporting Options

You may file a criminal complaint with the local police department where the incident occurred. You can make a criminal report and a report to the College pursuant to the Complaint Investigation Procedures under this Policy. You do not have to choose one or the other.

William James College encourages victims to report incidents to the police so the police can take appropriate measures to help the victim and prevent future crimes. If you would like assistance in filing a report with the police, the institution will assist you. You are never required, however, to report an incident to the local police department. If you elect not to make a criminal report, the College will respect your decision to not report the incident.

3. Civil Rights Reporting Options

If you believe you have been subject to sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation, you may file a complaint with the following government agencies.

For anyone with complaints, questions or concerns about the application of Title IX:

U.S. Department of Education
Office for Civil Rights
33 Arch Street, 9th Floor
Boston, MA 02119-1424
Telephone: (617) 289-01111
TDD: 877-521-2172
Email: OCR.Boston@ed.gov

For employees with complaints, questions or concerns about the application of Title VII:

Equal Employment Opportunity Commission
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
1-800-669-4000
TTY: 1-800-669-6820

For anyone with complaints, questions or concerns about state civil rights laws:

Mass. Commission Against
Discrimination
One Ashburton Place
Rm. 601
Boston, MA 02108
(617) 727-3990

Mass. Commission Against
Discrimination
Worcester City Hall
455 Main Street, Room 101
Worcester, MA 01608
(508) 799-8010

Mass. Commission Against
Discrimination
424 Dwight Street
Rm. 220
Springfield, MA 01103
(413) 739-2145

Mass. Commission Against
Discrimination
800 Purchase St., Rm 501
New Bedford, MA 02740
(508) 990-2390

4. Third Party Reporting

You may make a report of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation, against another member of the College community or a third party affiliated with the College by contacting the Title IX Coordinator.

C. Making No Report

You have the right not to make a report to anyone. William James College, however, strongly encourages you to seek medical attention, counseling and support. You are always welcome to file a report at a later date, but please note that a delay in reporting could weaken the evidence necessary to determine whether the accused is found responsible for committing an act of sexual violence, sexual harassment,

gender-based harassment, domestic violence, dating violence, stalking and retaliation.

D. Timeframes for Reporting and Investigations

While the College does not limit the timeframe for filing a complaint under these procedures, the College's ability to take action may be limited by the matriculation status of an alleged student respondent, or employment status of an alleged employee respondent.

Every effort will be made to reach a resolution within sixty (60) calendar days after the receipt of the complaint. Extenuating circumstances, including the complexity or severity of a complaint, breaks in the academic calendar, or exam periods, may require that the investigation process be extended beyond 60 days. In the event that the investigation and resolution process might exceed this time frame, the College will notify all parties of the need for additional time and best efforts will be made to complete the process as expeditiously as possible. In general, the parties can expect to receive periodic status updates until the matter is resolved.

E. Amnesty Statement

At times, students may be hesitant to report sexual violence to William James College officials because they are concerned that they themselves, or witnesses to the conduct, might be charged with violations of the College's alcohol and/or drug policies. While the College does not condone these behaviors, they place a higher priority on the need to address instances of sexual misconduct and violence. Accordingly, in such cases, the College will not pursue disciplinary action against a student who, in good faith, is the complainant in connection with the reporting of sexual violence, or against students named as witnesses to the incident.

F. Employees' Duties to Report

1. Mandatory Child Abuse Reporting

Children (a person under the age of 18) may be engaged in activities sponsored by William James College or by third-parties utilizing the College facilities. In such instances, where an employee has reasonable cause to believe that a child is suffering physical or emotional injury, resulting from among other causes, sexual abuse, the employee and the College *may* be obligated to comply with the mandatory child abuse reporting requirements established at Mass. Gen. Laws Chapter 119, Section 51A-E. In such cases, the employee is directed to immediately report the matter to the EO Officer and/or Title IX Coordinator, who, in consultation with other College officials, shall contact the Commonwealth's Department of Children and Families and/or law enforcement. An employee may also contact local law enforcement authorities or the Department of Children and Families directly in cases of suspected abuse or neglect.

Massachusetts law also maintains mandatory reporting requirements for certain occupations where elderly and disabled abuse or neglect is suspected. For more information on these reporting requirements please contact the EO Officer.

2. Reporting Sexual Violence, Sexual Harassment, Gender-Based Harassment, Domestic Violence, Dating Violence, Stalking and/or Retaliation

All members of the College community (students, faculty, staff, volunteers) are strongly encouraged to promptly report incidents of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation to the Title IX Coordinator or the Deputy Title IX Coordinator.

As set forth above in Subsection B, each William James College employee who is designated as a Title IX Responsible Employee and who is informed about an allegation of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation involving any member of the campus community is required to notify the Title IX Coordinator either directly or through their relevant reporting structure. William James College employees who serve in a professional role in which communications are afforded confidential status under the law (e.g., licensed mental health care providers, medical providers, pastoral counselors and clergy) may, consistent with their ethical and legal obligations, be required to report limited information about incidents without revealing the identities of the individuals involved, to the Title IX Coordinator. Such employees who receive reports of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and/or retaliation when not functioning in their licensed capacity (e.g., teaching a course, advising a student, conducting administrative duties) are not prohibited by their ethical codes or legal obligations from making a report to the Title IX Coordinator.

G. False Charges

The filing a knowingly false report of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking or retaliation is a serious offense prohibited by this Policy. A report made in good faith, however, is not considered false merely because the evidence does not ultimately support the allegation. If an investigation reveals that a complainant knowingly filed false charges, William James College shall take appropriate actions and issue sanctions pursuant to other applicable College policies, including any applicable collective bargaining agreement. The imposition of such sanctions does not constitute retaliation under this Plan.

VI. PRIVACY AND CONFIDENTIALITY: ADDITIONAL CONSIDERATIONS

A. Requests for Confidentiality or for No Investigation

If an individual discloses an incident of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking or retaliation, but requests that the institution maintain the individual's confidentiality or that no investigation or disciplinary action occur, William James College will weigh the request against its obligations to provide a safe, non-discriminatory environment for all of its community members, including the victim, and to comply with applicable laws. It is important to understand that the College's ability to meaningfully investigate an

incident and pursue disciplinary action against the alleged perpetrator(s) may be limited if the College honors a confidentiality request.

In consultation with other necessary personnel, the Title IX Coordinator will evaluate a request for confidentiality or that investigation/discipline occur by considering a range of factors concerning the risk of safety. These factors include, but not limited to, whether:

- there have been other sexual violence complaints about the same alleged perpetrator;
- the alleged perpetrator has a history of arrests or records indicating a history of violence;
- the alleged perpetrator threatened any further violence against the victim or others;
- the misconduct was committed by multiple perpetrators;
- the act was perpetrated with a weapon;
- the alleged perpetrator hold a position of power over the victim;
- the victim is a minor;
- the College possesses no other means to obtain relevant evidence (e.g., security cameras or personnel, physical evidence);
- there appears to be a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group; and/or
- other circumstances indicating an increased risk of violence or harm.

The presence of one or more of these factors could lead William James College to investigate and, if appropriate, pursue discipline. The College will inform the victim prior to starting an investigation and will, to the extent possible, share information with only the people responsible for handling the College's response.

In the event that the victim requests that William James College inform the alleged perpetrator that the victim asked the College not to investigate or seek discipline, the College will honor this request and inform the alleged perpetrator that the College made the decision to go forward.

If none of the factors listed above are present, William James College will likely honor the victim's request for confidentiality. It will also take interim measures as necessary to protect and assist the victim. In this circumstance, the College will consider broader remedial action, such as increased monitoring, supervision, or security at locations where the incidents occurred, increased or targeted education or prevention measures, conducting climate assessments/victimization surveys, and/or revisiting its policies and practices.

Note that William James College may not require a victim to participate in any investigation or disciplinary proceeding. The institution will still take interim measures as necessary to protect and assist the victim.

B. Confidentiality for Respondents Who Are Students

The right to privacy of student who is accused of conduct prohibited by this Policy is governed by the Family Educational Rights and Privacy Act ("FERPA"). FERPA

provides that personally identifiable information maintained by the College in students' educational records may not be disclosed except with the consent of the student or as otherwise specified by law.

C. Statistical Reporting and Timely Warnings Under The Clery Act

A federal law, the Clery Act, to publish an Annual Campus Crime Report concerning reported incidents. William James College does not include victims' name or other personally identifying information in the Annual Campus Crime Reports. Aggregate, statistical information concerning these crimes is reported to the Title IX Coordinator for Title IX purposes.

Additionally, when William James College becomes aware of an incident of sexual violence occurred, and there is a potential for bodily harm or danger to members of the campus community, the College will issue a timely warning to the campus. While the institution will provide enough information to safeguard the campus community, a victim's name or other personally identifying information will not be disclosed in the timely warning.

VII. PROTECTIVE INTERIM MEASURES

William James College is committed to supporting victims by providing the necessary crisis intervention, safety and support services, and academic accommodations throughout the investigation and resolution process. The College wants all community members to be safe, to receive appropriate medical attention, and to get the help they need to heal and to continue to access their educational or employment opportunities. William James College also wants victims to understand their reporting options and how to access available interim measures. We encourage victims of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation to report incidents to the Title IX Coordinator, Deputy Title IX Coordinator or any Responsible Employee with whom the victim feels comfortable.

Victims may obtain protective interim measures by either (1) reporting the incident to the Title IX Coordinator, Deputy Title IX Coordinator or other Responsible Employee and requesting interim measures, or (2) disclosing the incident to a counselor, who in turn can request interim measures on the victim's behalf from William James College.

If a victim elects to confidentially disclose an incident to a counselor and also seeks protective interim measures from the College, the counselor may ask the victim to sign a release specifying the information that may be shared with William James College. The College will not require a counselor to disclose that sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking or retaliation is the basis for the request. Additionally, if a victim does not wish for William James College to investigate or otherwise notify the alleged respondent of the reported incident, a counselor may still request protective interim measures on behalf of the victim. In such cases, the Title IX Coordinator will consider whether William James College can honor the request for confidentiality or no investigation while still providing a safe and non-discriminatory environment for the College.

Upon receipt of a report or request for protective interim measures, William James College will provide the victim, or the victim's counselor, with a written explanation of the interim measures available, and shall ask victims, or their counselors, which measures

are sought. Some possible interim measures are listed below, and the College determines which measures are appropriate for each victim on a case-by-case basis. Not all of the measures listed below will be necessary in to keep every victim safe and ensure their equal access to William James College programs and activities. If the victim or counselor identifies an interim measure that is not already provided by the College, it will consider whether the request can be granted. In cases where interim measures affect both the victim and the alleged respondent, the College will minimize the burden on the victim wherever appropriate.

William James College may provide one or more of the following protective measures:

- “no contact” orders;
- escorts to ensure safety while moving between locations on campus;
- changes in academic or work schedules;
- alternative office accommodations;
- restrictions from areas of campus;
- medical and/or mental health services;
- assistance in identifying an advocate to help secure additional assistance, such as off-campus and community advocacy, support and services; and/or
- academic accommodations, such as:
 - transferring to another section of a course, lecture or lab;
 - rescheduling an academic assignment or test;
 - arranging for incompletes, a leave of absence, or withdrawal from campus;
 - and
 - preserving eligibility for academic, scholarships, financial aid, internships, study abroad, or foreign student visas.

William James College may also suspend a student on an interim basis or place an employee on paid administrative leave prior to completing an investigation under this Policy when it reasonably concludes that the person: (a) poses a threat to health or safety; (b) poses a threat to College property or equipment; (c) is disruptive or interferes with an investigation under this Policy or the normal operations of the College; or (d) is charged with a serious violation of state or federal law. William James College shall provide the employee or student of the specific reason(s) for the interim action. During an interim action, the College reserves the right to prohibit the person from entering upon the institutions property or participating in any College activities absent written authorization from an appropriate College official. When a person has been placed on interim suspension or paid leave of absence, William James College will make reasonable efforts to complete the investigation process in an expedited manner.

The failure of a person to comply with an interim suspension, temporary leave or other interim measure is a violation of this Policy and may lead to additional disciplinary action.

Additionally, in some circumstances, a victim may wish to seek an order of protection from a court or appropriate jurisdiction against the alleged perpetrator.

VIII. WRITTEN NOTIFICATION OF RIGHTS, OPTIONS, AVAILABLE RESOURCES, SERVICES AND INFORMATION

William James College seeks to ensure that all community members have access

to needed resources, services, and information. It will provide written notification to community members about existing counseling, health, mental health, disability accommodation, victim advocacy, legal assistance, visa and immigration assistance, and other services available on campus and in the community.

In addition, William James College will provide notification to victims of their rights and options set forth in this Policy, including, but not limited to, options for, and available assistance in changing academic and working situations, if reasonably available, regardless of whether the victim chooses to report the crime to the police. William James College will notify complainants alleging sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and/or retaliation in writing that they have the following rights:

- to an explanation of the options available;
- to be referred to confidential assistance/support from campus and off-campus resources;
- to be referred to other on- and off-campus counseling, mental health or other services for victims, including 24 hour services;
- to an adjustment to an academic/work schedule if such changes are reasonably available;
- to request that William James College instruct the respondent not to have contact with you;
- to make a complaint that will initiate the College's investigation and resolution processes;
- to choose whether or not to initiate a formal investigation of your complaint, unless William James College deems it necessary to investigate to protect the safety of the community or in compliance with applicable law;
- to a prompt, thorough and equitable investigation and resolution of a complaint;
- to the confidentiality of the investigation process to the extent possible (see Privacy and Confidentiality: Know Your Options at Section V);
- to reasonable accommodations for a documented disability during the investigation and resolution process;
- to an adviser of your choice who will assist you and be present at any time during the investigation and resolution process;
- to know, in advance, the names of all persons involved in the process;
- to not have irrelevant sexual history discussed;
- to be present at meetings and review documents;
- to speak and present information on your own behalf;
- to submit questions for the EO Investigator to ask witnesses;
- to know the status of the case at any point during the investigation and resolution process;
- to be informed of the outcome of the process in a timely manner;
- to an appeal from the outcome of the process;
- to file no complaint with William James College, but still receive support services from the institution;
- to file a police report and/or take legal action separate from and/or in addition to the College's investigation process;
- to be assisted by William James College in filing a complaint with local law enforcement;

- to seek and enforce a no contact, retraining or similar court order;
- to not to file a complaint or seek assistance from local law enforcement, but receive support services from William James College;
- to be free from any behavior that may be construed by William James College to be intimidating, harassing or retaliatory; and
- to have the matter handled in accordance with the institutions Policy.

Respondents to claims of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and/or retaliation have the following rights:

- to an explanation of the allegations against them;
- to seek confidential assistance and support from both campus and off-campus resources;
- to seek off-campus counseling or support services;
- to receive a copy of the complaint filed against them;
- to be presumed not in violation of College policy until a violation is established through complaint investigation process;
- to the confidentiality of the investigation process to the extent possible (see Privacy and Confidentiality: Know Your Options at Section V);
- to reasonable accommodations for a documented disability during the process;
- to an adviser of your choice who will assist you and be present at any time during the investigation and resolution process;
- to know, in advance, the names of all persons involved in the process;
- not to have irrelevant sexual history discussed;
- to be present at meetings and review documents;
- to speak and present information on your own behalf;
- to submit questions for the EO Investigator to ask witnesses;
- to know the status of the case at any point during the investigation and resolution process;
- to be informed of the outcome of the process in a timely manner;
- to an appeal from the outcome of the process;
- to be free from any behavior that may be construed by William James College to be intimidating, harassing or retaliatory; and
- to have the matter handled in accordance with the institutions Policy.

IX. EDUCATION AND PREVENTION PROGRAMS

As part of William James College's commitment to providing working and learning environments free from all forms of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and/or retaliation, this Policy shall be disseminated widely to the College community through publications, websites, new employee orientations, student orientations, and other appropriate channels of communication.

William James College has implemented primary and on-going prevention and awareness programs for students and employees focused on sexual violence, relationship violence, risk reduction and bystander prevention (e.g., safe and positive options that may be carried out to prevent harm or intervene when there is a risk of sexual

violence or relationship violence), and promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality. These programs include information regarding this policy, definitions of the offenses under College policy and Massachusetts law, available assistance and accommodations, and reporting options. William James College shall make preventative educational materials available to all members of the College community to promote compliance with this Policy and familiarity with procedures.

In addition, William James College will provide annual training to its Title IX Coordinators, EO Investigators, Investigative Team members, responsible employees, and all other involved with the administration of this Policy and the Complaint Investigation Procedures.

X. INDEPENDENT INVESTIGATIONS

At any time, William James College, at its discretion, may conduct an investigation independent of, or in addition to, the procedures described in this Policy. The investigation may involve complaints or allegations of violence, or concerning violations of Title IX, VAWA and/or the Clery Act against William James College, or any of its employees or students.

XI. CONCERNS

All members of the campus community are encouraged to report any concerns about William James College handling of a sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking or retaliation investigation to the College's Title IX Coordinator. Individuals may also report concerns about the William James College handling of such investigations to:

U.S. Department of Education
Office for Civil Rights
33 Arch Street, 9th Floor
Boston, MA 02119-1424
Telephone: (617) 289-01111
FAX: (617) 289-0150
TDD: 877-521-2172
Email: OCR.Boston@ed.gov

XII. MASSACHUSETTS LEGAL DEFINITIONS

Alleged incidents of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation are determined by the language of this Policy rather than by the provisions of the criminal laws of Massachusetts. However, community members who believe they have been the victim of a crime may choose to pursue a criminal investigation through local law enforcement. In those instances, the criminal laws referenced below will apply.

A. Sexual Assault

Massachusetts uses the term "rape." The definition encompasses (1) the penetration of any orifice by any body part or object (2) by force (or threat) and (3) without consent. Rape also includes instances where the victim is incapacitated

(“wholly insensible so as to be incapable of consenting”) and the perpetrator is aware or should have known of the incapacitation. Relatedly, under M.G.L. c. 268, § 40, a person who knows that an individual is a victim of an aggravated rape and is at the scene of the crime, must report the crime to law enforcement as soon as is reasonably practicable.

<http://www.malegislature.gov/Laws/GeneralLaws/PartIV/Title/Chapter265/Section22>
<http://masscases.com/cases/sjc/450/450mass583.html>

B. Domestic Violence

Section 1 of M.G.L. c. 209A defines domestic abuse as “the occurrence of one or more of the following acts between family or household members: (a) attempting to cause or causing physical harm; (b) placing another in fear of imminent serious physical harm; (c) causing another to engage involuntarily in sexual relations by force, threat or duress.”

<http://www.malegislature.gov/Laws/GeneralLaws/PartII/TitleIII/Chapter209A>

For the purposes of Chapter 209A, “family or household members” are defined as persons who (a) are or were married to one another; (b) are or were residing together in the same household; (c) are or were related by blood or marriage; (d) have a child in common regardless of whether they have ever married or lived together; or (e) are or have been in a substantive dating or engagement relationship, which shall be adjudged by district, probate or Boston municipal courts’ consideration of the following factors: (1) the length of the relationship; (2) the type of relationship; (3) the frequency of interaction between the parties; and (4) if the relationship has been terminated by either person, the length of time elapsed since the termination.

<http://www.malegislature.gov/Laws/GeneralLaws/PartII/TitleIII/Chapter209A>

Section 13M of M.G.L. c. 265 prohibits assault and/or assault and battery against family or household members, which is defined as: “persons who: (i) are or were married to one another, (ii) have a child in common regardless of whether they have ever married or lived together or (iii) are or have been in a substantive dating or engagement relationship.”

<https://malegislature.gov/Laws/GeneralLaws/PartIV/Title/Chapter265/Section13m>
<https://malegislature.gov/Laws/SessionLaws/Acts/2014/Chapter260>

In determining whether Section 13M applies to a particular relationship, the courts shall consider the following factors: “(1) the length of time of the relationship; (2) the type of relationship; (3) the frequency of interaction between the parties; and (4) if the relationship has been terminated by either person, the length of time that has elapsed since the termination of the relationship.”

<https://malegislature.gov/Laws/GeneralLaws/PartIV/Title/Chapter265/Section13m>

Section 15D of M.G.L. c. 265 prohibits the strangulation or suffocation of another person.

<https://malegislature.gov/Laws/SessionLaws/Acts/2014/Chapter260>

C. Dating Violence

While Massachusetts does not have a law concerning dating violence, conduct may constitute an assault or assault and battery under M.G.L. c. 265, § 13A. An assault or an assault and battery: (i) upon another and [the perpetrator] by such

assault and battery causes serious bodily injury; (ii) upon another who is pregnant at the time of such assault and battery, [the perpetrator] knowing or having reason to know that the person is pregnant; or (iii) upon another who [the perpetrator] knows has an outstanding temporary or permanent vacate, restraining or no-contact order or judgment issued pursuant to [applicable law], in effect against him at the time of such assault or assault and battery.”

<https://malegislature.gov/Laws/GeneralLaws/PartIV/Title/Chapter265/Section13a>

Section 13M of M.G.L. c. 265 prohibits assault and/or assault and battery against family or household members, which is defined as: “persons who: (i) are or were married to one another, (ii) have a child in common regardless of whether they have ever married or lived together or (iii) are or have been in a substantive dating or engagement relationship.”

<https://malegislature.gov/Laws/GeneralLaws/PartIV/Title/Chapter265/Section13m>

<https://malegislature.gov/Laws/SessionLaws/Acts/2014/Chapter260>

In determining whether Section 13M applies to a particular relationship, the courts shall consider the following factors: “(1) the length of time of the relationship; (2) the type of relationship; (3) the frequency of interaction between the parties; and (4) if the relationship has been terminated by either person, the length of time that has elapsed since the termination of the relationship.”

<https://malegislature.gov/Laws/GeneralLaws/PartIV/Title/Chapter265/Section13m>

Section 15D of M.G.L. c. 265 prohibits the strangulation or suffocation of another person.

<https://malegislature.gov/Laws/SessionLaws/Acts/2014/Chapter260>

D. Stalking

Section 43 of M.G.L. c. 265 defines “stalking” as “(1) willfully and maliciously engages in a knowing pattern of conduct or series of acts over a period of time directed at a specific person which seriously alarms or annoys that person and would cause a reasonable person to suffer substantial emotional distress, and (2) makes a threat with the intent to place the person in imminent fear of death or bodily harm.”

<http://www.malegislature.gov/Laws/GeneralLaws/PartIII/Title/Chapter265/Section43>

E. Consent

There is no definition of the term “consent” in the Massachusetts General Laws. Massachusetts courts use the term “against his/her will” which means without consent. Cases have held that consent cannot be compelled or induced by force or threats, and consent is not present when the victim is incapacitated. In other words, consent requires a voluntary agreement demonstrated by words or actions, by a person with sufficient mental capacity to make a conscious choice to do something proposed by another, free of duress. *Commonwealth v. Lopez*, 433 Mass. 722 (2001), *Commonwealth v. Lefkowitz*, 20 Mass. App. Ct. 513 (1985); see also:

<http://www.malegislature.gov/Laws/GeneralLaws/PartIV/Title/Chapter265/Section22>

APPENDIX A

| GENDER-BASED MISCONDUCT: CONFIDENTIALITY AND REPORTING | | |
|--|----------------------------|--|
| Personnel/Organization | Confidential Status | Obligation to Report to William James Colleges' Title IX Coordinator and/or Outside of the institution |
| William James College Employee Assistance Program | Confidential | None |
| Outside Medical Providers | Confidential | None |
| Outside Rape Crisis Centers, Counseling and/or Victim Support Services | Confidential | None |
| Outside Chaplains, Clergy, Pastoral Counselors | Confidential | None |
| Local Police or other Law Enforcement | <i>Not Confidential</i> | There is no obligation for local police or law enforcement to make a report to William James College, but information may be shared with the College within the requirements of Massachusetts law. |
| Outside Agencies (MCAD, EEOC, OCR, BHE) | <i>Not Confidential</i> | The relevant agency will notify the institution of accepted complaints. |
| Title IX Coordinator (and Deputies) | <i>Not Confidential</i> | Yes. The Title IX Coordinator will share information with College officials and employees who need to know it in order to implement the institutions policies and procedures. |
| Director of Human Resources/EO Officer | <i>Not Confidential</i> | Yes. The Director of Human Resources/EO Officer will share information with college officials and employees who need to know it in order to implement the institutions policies and procedures. |
| William James College Trustees | <i>Not Confidential</i> | Yes. Members of the Board of Trustees will share information with college officials and employees who need to know it in order to implement institution policies and procedures. |
| The President | <i>Not Confidential</i> | Yes. The President will share information with college officials and employees who need to know it in order to implement institution policies and procedures. |
| Vice Presidents, Associate and Assistant Vice Presidents | <i>Not Confidential</i> | Yes. The Vice Presidents and Associate/Assistant Vice Presidents will share information with College officials and employees who need to know it in order to implement the institutions policies and procedures. |
| Department Directors and Assistant Directors | <i>Not Confidential</i> | Yes. Departmental Directors and Assistant Directors will share information with College officials and employees who need to know it in order to implement the institutions policies and procedures. |
| Deans, Associate and Assistant Deans | <i>Not Confidential</i> | Yes. The Deans and Associate/Assistant Deans will share information with College officials and employees who need to know it in order to implement institutions policies and procedures. |

| GENDER-BASED MISCONDUCT: CONFIDENTIALITY AND REPORTING | | |
|--|----------------------------|---|
| Personnel/Organization | Confidential Status | Obligation to Report to William James Colleges' Title IX Coordinator and/or Outside of the institution |
| Academic Department Chairs | <i>Not Confidential</i> | Yes. Academic Department Chairs will share information with College officials and employees who need to know it in order to implement the institutions policies and procedures. |
| Faculty and Staff Leading or Chaperoning Travel or Overnight Trips | <i>Not Confidential</i> | Yes. Faculty and Staff Travel Leaders and/or Chaperones will share information with College officials and employees who need to know it in order to implement the institutions policies and procedures. |
| Faculty Advisors to Student Groups | <i>Not Confidential</i> | Yes. Faculty and Staff Advisors to Student Groups will share information with College officials and employees who need to know it in order to implement the institutions policies and procedures. |

Complaint Investigation and Resolution Procedures

It is the policy of William James College to provide each student, employee, and other person having dealings with the College an environment free from all forms of discrimination, discriminatory harassment, sexual violence, sexual and gender-based harassment, domestic and dating violence, stalking and retaliation as defined in William James College Policy Against Discrimination, Discriminatory Harassment and Retaliation and Policy Against Sexual Violence.

These Complaint Investigation and Resolution Procedures (“Procedures”) are intended to provide a mechanism to investigate and resolve complaints of discrimination, discriminatory harassment, sexual violence, sexual and gender-based harassment, domestic and dating violence, stalking and retaliation. These Procedures are available to all students, faculty, staff, visitors, contractors, applicants for employment or admission, and others having dealings with the institution.

Complaints of the following prohibited behaviors may be made under these procedures:

Discrimination or harassment on the basis of:

- race
- color
- religion
- national origin
- age
- disability
- sex/gender
- sexual orientation
- gender identity
- gender expression
- genetic information
- marital status
- veteran status

Any form of the following prohibited conduct:

- sexual violence or misconduct
 - rape
 - sexual assault
 - sexual exploitation
 - incest
 - statutory rape
 - aiding in the commission of sexual misconduct
- sexual harassment
- gender-based harassment
- domestic violence
- dating violence
- stalking

Retaliation

Investigations of such complaints are necessary to determine:

- if a complaint alleges a violation of William James Colleges' Policy Against Discrimination, Discriminatory Harassment and Retaliation and/or their Policy Against Sexual Violence;
- whether prohibited conduct has occurred;
- whether there is an ongoing risk of harm for further prohibited conduct and, if so, to take steps to prevent its recurrence;
- whether interim protective measures should be in place for the safety of the complainant or the College community, or to redress the effects of prohibited conduct;
- whether the conduct warrants disciplinary action; and
- whether changes to policies, practices or training should be considered and implemented by the College.

These procedures have been designed to provide prompt, fair, impartial, complete and effective processes from investigation to final result. The proceedings will be conducted transparently and consistently with College policies. The formal rules of process or evidence, such as those applied in criminal or civil courts, are not used under these procedures.

No community member may retaliate, intimidate, threaten, coerce or otherwise discriminate against any individual for filing a complaint under these procedures or for otherwise exercising his or her rights or responsibilities under the institution's Policy Against Discrimination, Discriminatory Harassment and Retaliation or their Policy Against Sexual Violence.

Note: While these Procedures identify certain College employees/officials who have particular roles and duties, William James College may designate other employees/officials to perform specific roles or duties as set forth in these Procedures.

I. INVESTIGATION AND RESOLUTION PROCEDURES

The complaint investigation and resolution process is comprised of two processes: (A) the **Informal Resolution Procedure**; and (B) the **Formal Investigation Procedure**.

A. Informal Resolution Procedure

The Informal Resolution Procedure may not be used in an effort to resolve allegations of sexual violence, domestic or dating violence or stalking. If you seek to make such a complaint, the Formal Investigation Procedure in Section B will apply. Where appropriate, the parties to a dispute may attempt to reach an informal resolution of the potential complaint. The College encourages involved parties to request the intervention of the institution to assist in an informal resolution by contacting the EO Officer.

In conference with the Title IX Coordinator and others as necessary, the EO Officer or his/her designee will assess the request for informal resolution against the severity of allegations and the potential risk of a hostile environment or safety concern for other community members. If an informal resolution is appropriate, the EO Officer will notify the parties. The College will not ask a complainant to resolve a problem with a respondent without the involvement of the EO Officer or his/her designee.

The EO Officer or his/her designee will facilitate a dialog with the parties in an attempt to reach a resolution. At no time shall a respondent question or confront a complainant, or engage a third party to do so, as such conduct may constitute intimidation and/or retaliation, both of which are strictly prohibited under William James College Policy Against Discrimination, Discriminatory Harassment and Retaliation and the Policy Against Sexual Violence. The matter will be deemed resolved when all parties expressly agree to an outcome that is acceptable to them and to the institution, which will make every attempt to conclude the Informal Resolution Process within sixty (60) days of the date of the complainant's request.

A complainant is not required to use the Informal Resolution Procedure before initiating the Formal Investigation Procedure, and a party may withdraw from the Informal Resolution Procedure at any time.

B. Formal Investigation Procedure

Submission of Complaint and Initial Review

When a person believes that s/he has been harassed, discriminated or retaliated against or subjected to violence in violation of William James College Policy Against Discrimination, Discriminatory Harassment and Retaliation and/or Policy Against Sexual Violence, s/he may file a written complaint using the Complaint Form at Section IV of these procedures.² Persons are encouraged to file complaints directly with the EO Officer, but complaints may also be filed with other offices or officers, such as the Title IX Coordinator or Deputy Coordinator, Human Resources or the Dean of Students. Any complaint alleging harassment, discrimination, retaliation or violence in violation of the Policy Against Discrimination, Discriminatory Harassment and Retaliation and/or Policy Against Sexual Violence initially filed with other offices or officers will be transferred to the EO Officer.

In certain circumstances, the College may initiate the complaint investigation and resolution procedures without the filing of a written complaint or the active participation of a complainant. Complaints may be generated upon receipt of a report by a complainant or by a third-party reporter, such as, but not limited to, a friend, spouse, family member, advisor, parent or coworker.

A complaint must be filed by the complainant or a College official, and the complaint must be in the words of the complainant or the College official. Complaints should contain all known facts pertaining to the alleged violation, the names of any

² Persons who believe that they have been the victim of the conduct prohibited by the Sexual Violence Policy also have options to report incidents in a confidential manner; victims are encouraged, but not required, to file complaints pursuant to these Procedures. Please see the Sexual Violence Policy for more information on reporting options.

witnesses and others with knowledge of the allegations, and an identification of any documents or other evidence.

The EO Officer or his/her designee will determine if the complaint falls within the jurisdiction of these procedures. When complaints allege sexual violence, sexual or gender-based harassment, domestic or dating violence, stalking and/or retaliation, the EO Officer or his/her designee will refer them to the Title IX Coordinator for jurisdictional evaluation and review. At this point, the College will implement any necessary or appropriate interim protective measures, or monitor and/or revise any measures already in place. If the EO Officer or Title IX Coordinator, or a designee, determines that the matter is not properly filed pursuant to these procedures, s/he will provide written notice to the complainant (or third party reporter).

Investigation Process

If a complaint has been properly filed, or the College otherwise determines that an investigation is necessary, the William James College will assign the matter to an Administrative Investigator. The College may also designate other trained and knowledgeable institution officials to assist with the investigation. The Administrative Investigator will promptly notify the respondent of the complaint, provide him or her with a copy of the complaint, and ask him or her to submit a written response to the complaint. See Section V (Notice to Respondent). If the respondent does not respond, or otherwise fails to participate in the investigation, the Administrative Investigator will complete the investigation on the basis of the other information obtained. Where a complaint is initiated by a third party reporter, the Administrative Investigator shall attempt to meet with the potential complainant to discuss his/her participation in the investigation and gain additional information.

The investigation shall include, but is not limited to: an analysis of the allegations and defenses presented using the preponderance of the evidence standard; consideration of all relevant documents, including written statements and other materials presented by the parties; interviews of the parties and other individuals; and/or reviewing certain documents or materials in the possession of either party that the Administrative Investigator has deemed relevant. The Administrative Investigator may review the investigation reports of local law enforcement authorities.

In regard to complaints alleging sexual violence, sexual or gender-based harassment, domestic or dating violence, stalking and/or retaliation, questions, statements, or information about the sexual activity of the complainant or alleged victim with any person other than the respondent is not relevant and will not be considered. If the complainant raises the issue of his or her own sexual activity with anyone other than the respondent, the Administrative Investigator may ask relevant questions about that relationship. Parties to such complaints are permitted to submit questions for the Administrative Investigator to ask of the other parties and witnesses, but the questions must be specifically about the allegations of the present complaint.

At the conclusion of the investigation, the Administrative Investigator shall prepare an Investigation Report for submission to an administrative review. The Investigation Report shall: outline the investigation steps undertaken; summarize the factual findings; state whether a policy violation has occurred based on the preponderance of

the evidence; explain the rationale for the violation determination; and, if applicable, recommend a sanction(s). The Investigation will not be shared with the parties except upon request following the issuance of the Notice of Outcome, and then only in accordance with applicable law.

At any point during the investigation, a respondent may agree to the allegations and the recommended sanction.

Administrative Review

The EO Officer, Title IX Coordinator or other designated College official(s) will conduct an administrative review of the Investigation Report (the “reviewing body”). The purpose of the administrative review is to determine whether the investigation is prompt, complete, fair and impartial. If the reviewing body determines the investigation is incomplete or otherwise deficient, the reviewing body shall remand the matter back to an Administrative Investigator for further investigation.

If the reviewing body determines that the investigation is complete, fair and impartial, the reviewing body will then consider whether the recommended discipline or sanction is consistent with institutions policy and practice. In determining discipline, the reviewing body may consider the respondent’s disciplinary history, if one exists.

At any point during the administrative review, a respondent may agree to the allegations and the recommended sanction.

Notice of Outcome

At the completion of the administrative review, the College will notify the respondent of all sanctions imposed. At the same time, the College will contemporaneously issue a written Notice of Outcome to the complainant and the respondent. The Notice of Outcome shall include the following:

1. the investigation’s factual findings;
2. the policy violation determination and the rationale for the determination;
3. all sanctions that result from an allegation of sexual violence or other crime of violence;
4. the sanctions that directly relate to the complainant that arise from an allegation of discrimination, discriminatory harassment, non-violent sexual or gender-based harassment, and/or retaliation; and
5. the parties’ appeal rights.

If no appeal is filed by either party within five (5) days of their receipt of the Notice of Outcome, the results will become final and the College will proceed with the imposition of the recommended sanction(s).

A person making a complaint of sexual violence, domestic violence, dating violence or stalking may submit a victim impact statement. A respondent to a complaint of sexual violence or other gender-based misconduct may submit a statement of mitigation or extenuation.

Timeframe

William James College will make every attempt to conclude the Formal Investigation Process within sixty (60) days of the date of the submission of the complainant. If the investigation cannot be completed within 60 days, the institution will provide status updates to the parties every seven (7) days until its completion.

C. Appeals

Either party may appeal the results of an investigation under these procedures by submitting a written letter of appeal to the EO Officer within five (5) business days of his or her receipt of the Notice of Outcome. An appeal may be transmitted electronically to the EO Officer. Appeals may be submitted on the following grounds:

1. to allege a material procedural error within the investigation and resolution process that would substantially change the outcome; or
2. to consider new evidence that was not known at the time of the investigation that would substantially change the outcome.

Appeals will not be considered on any other basis.

Upon timely receipt of the appeal letter, the EO Officer shall transmit the Investigation Report and the appeal letter to the appropriate appellate officer or body for review. If the appealing party has presented an appeal on the basis of the grounds set forth above, the appellate officer or body will review the appeal and make a determination to uphold, reverse or modify the decision. When necessary, the appellate officer or body may seek additional information and/or refer the matter back to the Administrative Investigator, prior to making an appellate determination.

Where practicable, within (30) days of receiving the appeal, the appellate officer or appellate body shall contemporaneously issue a written decision to the parties in which it may uphold, reverse or modify the decision. All appellate decisions are final.

D. Possible Sanctions And Additional Remedies

For Employee Respondents. Disciplinary action taken against an employee shall be regarded as an administrative action subject to all provisions of applicable personnel policies.

For Student Respondents. A student who has been found to have violated the Policy Against Discrimination, Discriminatory Harassment and Retaliation or the Policy Against Sexual Violence may be subject to sanctions including, but not limited to:

- reprimand
- warning
- disciplinary probation
- loss of privileges
- restriction from facilities or activities
- educational program or project
- fines and/or restitution
- revocation of admission or degree
- withholding of degree
- suspension
- expulsion

All sanctions are determined on a case-by-case basis in consideration of the seriousness of the violation, precedent for similar violations, and any other circumstances indicating that the sanction should be more or less severe.

Additional Remedies Following Finding of a Violation

Where necessary, the College will provide additional measures to remedy the effects of a violation. These remedies are separate from, and in addition to, any interim measure that may have been provided. If the complainant declined or did not take advantage of a specific service or resource previously offered as an interim measure, such as counseling, the College will re-offer those services to the complainant as applicable or necessary.

In addition, William James College will consider broader remedial action for the College community, such as increased monitoring, supervision, or security at locations where the incidents occurred, increased or targeted education and prevention efforts, climate assessments/victimization surveys, and/or revisiting its policies and procedures.

II. GENERAL INFORMATION AND DEFINITIONS

For the purposes of these Procedures, the following terms are defined and used as follows:

Complainant. An individual who makes a complaint under these Procedures.

Respondent. An individual who is accused of violating the Policy Against Discrimination, Discriminatory Harassment and Retaliation or the Policy Against Sexual Violence.

Day. A day shall mean a calendar day.

Discipline or Sanctions. The terms may be used interchangeably.

Advisors. Each victim, complainant or respondent to an investigation initiated under the Complaint Investigation and Resolution Procedures is entitled to have an advisor present during any meetings regarding the process (other than meetings between victims and William James College officials regarding accommodations or protective interim measures) and disciplinary proceedings. Except as otherwise required by law, the advisor may observe, but may not participate in any way whatsoever, including, without limitation, by asking questions or speaking during the meeting or proceeding. The advisor's role is to provide support and/or advice to the party. During meetings and proceedings, the advisor may speak with the party or pass notes in a non-disruptive manner. William James College reserves the right to remove from the meeting or proceeding any advisor who disrupts the process, or who does not abide by the restrictions on their participation. In addition, please note that the College does not need to cancel or delay a meeting or proceeding simply because an advisor cannot be present. Further, the advisor is not permitted to attend a meeting or proceeding without the advisee.

The personal advisor can be any person, including an attorney. If the advisor is an attorney, the College's legal counsel may also attend the meeting or proceeding.

Referrals to Title IX Coordinator. Reports of sexual violence, sexual or gender-based harassment, domestic or dating violence, stalking and/or retaliation will be referred to the Title IX Coordinator for evaluation. Before starting an investigation, the Title IX Coordinator or his/her designee will determine whether the reported facts, if true, would violate the institution's Sexual Violence Policy, and may consult with the complainant to obtain more information and discuss his/her options.

Interim Protective Measures. Upon review of a complaint, the College may determine that interim protective measures are necessary or appropriate. The College will implement interim measures as described in their Sexual Violence Policy. Interim measures may also be instituted and/or modified at any point during the investigation and resolution process.

Off-Campus Behavior. William James College may investigate off-campus conduct alleged to violate the Policy Against Discrimination, Discriminatory Harassment and Retaliation or the Policy Against Sexual Violence when such conduct involves behavior by or toward a community member, which (1) occurs during College-sponsored events or events of organizations affiliated with the institution, including internships; (2) negatively impacts a person's access to education programs and activities; (3) adversely affects or disrupts the community; and/or (4) poses a threat of harm to the institutions community.

Amnesty. Students may be hesitant to report sexual violence out of concern that they, or witnesses, might be charged with violations of the institutions drug/alcohol policies. While William James College does not condone such behavior, it places a priority on the need to address sexual violence, sexual or gender-based harassment, domestic or dating violence, stalking and retaliation. Accordingly, the institution may elect not to pursue discipline against a student who, in good faith, reports, witnesses or possesses personal knowledge of such incidents.

Conflicts of Interest. If any College official involved in the investigation, resolution or appeal process believes there is a potential or actual conflict of interest regarding their role, they must disclose this conflict in advance to the EO Officer, Title IX Coordinator (where applicable) or designee. Likewise, if a complainant or respondent believes there is a conflict of interest present regarding any College official involved in the investigation, resolution or appeal process, s/he must disclose the conflict in advance to the EO Officer, Title IX Coordinator (where applicable) or designee. If a valid conflict of interest exists, the College will take steps to remedy or eliminate the conflict.

Confidentiality of Process. These procedures will be conducted as confidentially as reasonably possible to protect the privacy of all involved. The College may share information about the allegations with parties, witnesses or others on a need-to-know basis, or as otherwise required by law. All with whom information is shared shall be advised of the confidential nature of the information and directed not to discuss it with anyone except an advisor. See the Sexual Violence Policy for more information about confidential reporting options.

Joint Investigation. In some circumstances a respondent's conduct may constitute a potential violation of other institutional policies. To avoid duplicative efforts, we may undertake a joint investigation of the conduct under these procedures. Based on the

findings of the joint investigation, the respondent may be subject to disciplinary action for violations of all policies.

Preponderance of the Evidence. The standard of review used to evaluate all complaints. Under this standard, conclusions must be “more likely than not.” Accordingly, the fact-finder must find that it is more likely than not that the respondent violated the Policy Against Discrimination, Discriminatory Harassment and Retaliation or the Policy Against Sexual Violence or other relevant College policy.

Notice of Meetings and Access to Information. Each party to an investigation will be provided timely notice of meetings at which such party or both parties may be present. The parties will be afforded the same and timely access to any information that the College is aware will be used at any meeting or hearing. Where appropriate or required by law, William James College may redact the complainant’s name and other identifying information from any information provided to the respondent, including the specific charge and the complaint or related materials.

Training of Officials Who Participate in the Investigation and Resolution Process. Proceedings pursuant to these Procedures are conducted by officials who receive annual training on the issues of discrimination, discriminatory harassment and retaliation. Officials also receive training specific to matters of sexual and gender-based harassment, domestic violence, dating violence, stalking, as well as how to conduct an investigation that protects the safety of complainants, promotes accountability, and provides all parties with the same opportunities to be accompanied to meetings or proceedings by an advisor of their choice.

Refusal of Participation. In cases where a complainant or respondent (or both) refuses or fails to participate in the investigation and resolution process, William James College may continue the process without the complainant and/or respondent’s participation. The failure of the respondent to participate in the investigation and resolution process will not prevent the College from imposing discipline or other sanctions when a violation is found.

Right to File an Outside Complaint. Individuals have the right to file charges of discrimination, discriminatory harassment, sexual violence, sexual or gender-based harassment, domestic or dating violence, stalking or retaliation at any time with the appropriate government agency, with or without utilizing these procedures.

Concurrent Criminal or Civil Proceedings. Persons may be accountable to both the College and the state for conduct that constitutes potential violations of the Policy Against Discrimination, Discriminatory Harassment and Retaliation or the Policy Against Sexual Violence and state or federal law. The College’s investigations may be conducted before, after or simultaneously with civil or criminal proceeding and these investigations are not subject to challenge on the grounds that civil or criminal charges involving the same conduct have been dismissed or reduced. Persons subject to parallel criminal charges shall be instructed that their statements and/or other information supplied by them may be subject to subpoena.

When a criminal investigation of an incident of sexual violence, sexual or gender-based harassment, domestic or dating violence, stalking or retaliation is also occurring, the College will not delay its investigation due to the criminal investigation, unless law

enforcement requests to gather evidence. When law enforcement makes such a request, the institution will typically resume its investigation within three to ten days.