

**Pine Manor College’s Sexual Harassment and Misconduct Policy
INTERIM - August 14, 2020**

TABLE OF CONTENTS

SECTION I: INTRODUCTION 3
 An Overview of the Sexual Harassment and Misconduct Policy 6

SECTION II: NOTICE OF NON-DISCRIMINATION 7
 College’s Statement on Sexual Harassment and Misconduct 7
 Title IX of the Education Amendments Act of 1972 7
 Pregnant or Parenting Students 8
 Title VII 8
 Civil Rights Violations 8

SECTION III: PROHIBITED CONDUCT AND DEFINITIONS OF TERMS 10
 Definition of Sexual Harassment 10
 Prohibited Sexual Harassment 11
 Prohibited Sexual Misconduct and Definitions of Terms 12
 Statement on Consent, Coercion, and Incapacitation 15

SECTION IV: CHOOSING TO DISCLOSE A SEXUAL ASSAULT 18
 Privacy 18
 Bystander Intervention 19
 Amnesty 19
 Statement Against Retaliation 19

SECTION V. REPORTING, GRIEVANCE, and INVESTIGATION PROCESS 20
 REPORTING AN INCIDENT OF SEXUAL HARASSMENT OR DISCRIMINATION: 20
 NOTICE OF FORMAL COMPLAINT TO TITLE IX COORDINATOR: 20
 PROVISION OF SUPPORTIVE MEASURES: 20
 No Contact Order 21
 Academic, Employment, and/or Residence Hall Preventative Measures 22
 Counseling 23
 Interim Suspensions 24
 Emergency Notification System (ENS) 24
 INITIAL ASSESSMENT OF APPLICABLE POLICIES & PROCEDURES: 25
 DISMISSAL PROVISIONS: 25
 ASSESSMENT OF COMPLAINANT’S PREFERRED COURSE OF ACTION: 25
 A. FORMAL INVESTIGATION: 26
 NOTICE TO PARTIES OF ALLEGED POLICY VIOLATION AND FORMAL INVESTIGATION: 26
 FORMAL HEARING 29
 APPEAL: 30
 NOTICE OF OUTCOME, DETERMINATION AND REMEDIES: 31
 B. INFORMAL RESOLUTION: 31
 C. COMPLAINANT REQUEST FOR NO ACTION/CONFIDENTIALITY: 33

SECTION VI: ON AND OFF-CAMPUS RESOURCES 34
 On-campus Resources 34
 Emergency Resources 34

Non-Emergency Assistance	34
Timeframe for Resolution.....	37
Coming Forward about a Policy Violation	37
Writing Impact Statements	38
Sanctioning	38
Sanctions Panel.....	39
Potential Sanctions.....	39
Admitted Responsibility.....	40
Sanction Oversight.....	40
Withdrawal of Respondent from PMC College	41
Re-entry Circle	41
Off-Campus Resources	41
Emergency Assistance.....	41
Non-Emergency Assistance	41
SECTION VII: OBLIGATION OF COLLEGE TO REPORT SEXUAL MISCONDUCT ...	44
SECTION VIII: ON-CAMPUS EDUCATION, WORKSHOPS, AND AWARENESS	45
SECTION IX: RECORD KEEPING	46
Appendix A: Summary of Reporting Process for Sexual Harassment and Misconduct Violations	47
Appendix B: Resources for Students When a.....	48
Sexual Misconduct Violation Occurs	48
ON-CAMPUS RESOURCES	48

***** Please know parts of this Policy are explicit and can evoke uncomfortable feelings due to the content area. *****

SECTION I: INTRODUCTION

Pine Manor College's Sexual Harassment and Misconduct Policy (also referred to as "the Policy") intends for all members of the Pine Manor College (also referred to as "PMC" or "the College") community to learn, live, and/or work in an environment free from sexual misconduct. The College seeks to foster a safe environment through ongoing education, a clear and consistently upheld Sexual Harassment and Misconduct Policy, and fair and equitable investigation and grievance procedures. Pine Manor College's Sexual Harassment and Misconduct Policy supports the mission and values of the College:

The College expects members of our community to respect themselves and one another, contribute to the safety and security of our community, and encourage one another to act as active bystanders to prevent, lessen, and curb sexual misconduct. Creating a safe campus environment is the responsibility of all community members.

Sexual assault, sexual harassment, intimate partner violence, stalking, gender-based bullying and all forms of discrimination relating to one's sex and/or gender identity (hereinafter referred to as "sexual harassment and misconduct", "sexual harassment," or "sexual misconduct") violate the rights and dignity of those subjected to the prohibited conduct. When a person engages in sexual harassment and misconduct, that person exhibits a fundamental failure to act with integrity and to recognize and respect the intrinsic worth of another. Acts of sexual misconduct are contrary to the College's mission and the College will not tolerate such behavior.

All PMC community members are responsible for their actions and behavior on and off campus and have a responsibility to adhere to College policies and all applicable laws (local, state, and federal). Any individual may report breaches to the Sexual Harassment and Misconduct policy and, if determined that a sexual misconduct violation has occurred, the College will hold those individuals accountable for their behaviors.

This policy applies to incidents between students and other students, students and guests, students and employees, employees and employees, employees and guests, and/or students or employees and third-party contractors.

PINE MANOR COLLEGE'S MISSION AND VALUES

Mission

The mission of Pine Manor College is to make certain that all graduates are prepared to take meaningful steps in their lives: engaging in new jobs and careers, continuing to learn, and positively contributing to their communities. Students, including those who are the first in their families to attend college, who are looking for a purposeful education in a personalized and inclusive learning community will find a home at Pine Manor College.

What Makes Pine Manor College Different?

We offer our students an intentionally individualized education and tailor our programs to meet them where they are. The idea that learning happens one student at a time is woven into our fabric, along with a strong commitment to community building.

Diversity and inclusion are our strengths. Students learn from a wide range of instructors, mentors, advisors, and each other. Together, we have found ways to harness the power of the whole Pine Manor College community and its many off-campus partners in what is truly a borderless learning environment focused on one outcome: student success.

What Do We Value?

Rigor:	We provide an education that is designed to positively challenge each student.
Citizenship:	We empower our students to be creative, critical, and collaborative problem-solving citizens of their local and global communities.
Mentoring Relationships:	We foster transformational educational experiences through strong learning relationships on and off campus.
Student Support:	We work with our students in and out of the classroom in ways that are both supportive and challenging.
Community & Inclusivity:	We offer students the opportunity to study, live, and grow within a small community of learners representing significant cultural and socioeconomic diversity.
Readiness for Life & Career:	We create lifelong learners with specific skills, marketable tools, and the confidence and self-knowledge to find meaningful work and further educational experiences.

DEFINITION OF INVOLVED PEOPLE

Reporter refers to the person(s) that reports the alleged sexual misconduct.

Claimant refers to the person violated. In some cases, the reporter and the claimant may be the same person, while in other cases they may not.

Respondent is the person(s) accused of engaging in the sexual misconduct.

Third person is any individual with information about the sexual misconduct or incident.

Recipient refers to the person at Pine Manor College (the Institution) who receives the report of the alleged sexual misconduct.

Officials with Authority (OWA) are school officials with authority and have the absolute responsibility to communicate with the Title IX Coordinator regarding an incident of alleged sexual misconduct.

Title IX Coordinator is responsible for managing the overall Title IX process and resources required to insure an effective, unbiased and timely resolution of the alleged sexual misconduct on behalf of the Institution.

Title IX Deputy Coordinator assists the Title IX Coordinator in managing the overall Title IX process and resources and acts on their behalf in the event that the Title IX Coordinator is not available.

Title IX Team is the group who works with the Title IX Coordinator, the claimant and respondent toward an effective resolution of the alleged sexual misconduct, and includes the following: Title IX Coordinator, Title IX Deputy Coordinator, Investigator, Advisor, Hearing Officer, and Appeal Officer.

BIT Team (Behavior Intervention Team): The Behavior Intervention Team works independently from the Title IX Team in performing a violence risk assessment of the parties involved in the incident of alleged sexual misconduct. Their purpose is to assess any potential violence or danger to the Institution's students and employees regardless of the presence of a vague, conditional or direct threat.

Student is defined for Pine Manor College based on Pine Manor College student status which starts when a first time Pine Manor College student arrives for pre-orientation and/or orientation activities (whichever comes first) inclusive of (but not limited to) moving into the residence halls, athletic pre-season, international student orientation, and new student orientation.

Student status ends when the student's degree requirements *and* graduation ceremony are completed. Student status also ends if the College permanently dismisses a student and/or the student withdraws from Pine Manor College.

Student status continues during leave of absences (for up to four academic semesters) and college suspensions. A student that graduates from Pine Manor College with their Associates Degree and announces their intention to continue at Pine Manor College for their baccalaureate degree resumes student status upon intention to continue at Pine Manor College.

If a prospective or an admitted Pine Manor College student or a student who has received their Associates Degree, but not yet announced intention of continuing at Pine Manor College to complete their baccalaureate degree is found in violation of College policies between admission to the College and when student status begins or resumes, Pine Manor College has the option of revoking a student's admission to the College.

Employee generally refers to Pine Manor College staff, faculty, and graduate student assistants, unless otherwise specified. Pine Manor College students who work at the College may classify as an employee depending on their role at the time of the incident (e.g., resident assistants).

Responsible Employee (Mandated reporter) is any employee who:

1. Has the authority to take action to redress the harassment
2. Has the duty to report harassment or other types of misconduct to appropriate officials
3. Someone a student could reasonably believe has this authority or responsibility.

*Group*¹ includes a collective of people affiliated with Pine Manor College who share an affiliation. Examples of groups may include, but is not limited to, students on a sports team, students in a class, students in a student organization, adjunct professors.

Report includes any account, statement, information, or incident that puts the College on notice of an allegation of sexual misconduct.

College community member(s), community, or community members include PMC students, faculty, staff, trustees, friends of the College, contracted parties, and visitors.

AN OVERVIEW OF THE SEXUAL HARASSMENT AND MISCONDUCT POLICY

This Policy provides the PMC community with clearly articulated behavioral standards, definitions, key concepts, and resources concerning sexual misconduct. It also provides reporting options and a step-by-step overview of the allegation, investigation, and sanctioning processes.

Specifically, in this Policy:

- Section I provides an overview of Pine Manor College and the Sexual Harassment and Misconduct Policy including definitions of those involved in the process
- Section II outlines the College', local, and federal non-discrimination policies.
- Section III defines prohibited behaviors and consent.
- Section IV goes through the rights and reasons people may choose to disclose sexual misconduct.
- Section V describes the Reporting, Grievance and Investigation Process
- Section VI describes On and Off-Campus Resources for reporting sexual misconduct on and off-campus.
- Section VII shares about the College's obligation to report aggregated data of certain misconduct on campus.
- Section VIII provides an overview of trainings offered to the community on sexual harassment and misconduct.
- Section IX describes the Record Keeping and Training Records requirements for Title IX information and materials

Pine Manor College reserves the right to amend or modify this Policy at any time to better serve the community. Any changes will be shared on the Pine Manor College webpage and not apply to open cases, unless specifically stated to the involved individuals/groups.

¹ There may be times in the policy where the word "individual" is written; however, the same policy and processes apply for a group.

SECTION II: NOTICE OF NON-DISCRIMINATION

Pine Manor College does not discriminate on the basis of race, color, national or ethnic origin, ancestry, religious creed, sex, pregnancy, sexual orientation, gender identity, gender expression, age, genetics, physical or mental ability, veteran status, military obligations, participation in discrimination complaint-related activities, or any other characteristics protected by federal, state, or local laws in its practices, programs, or activities.

Pine Manor College's Sexual Harassment and Misconduct Policy, in accordance with Title IX and Title VII of the Civil Rights Act, Massachusetts General Laws Chapter 151B, Massachusetts Fair Education Practices Act, Massachusetts General Laws 151 C, Section 2(g), and other applicable state and federal statutes, prohibits all forms of sexual and gender harassment and/or misconduct committed by any College community member including, but not limited to, sexual assault, sexual exploitation, gender or sexual harassment, stalking, gender-based bullying, and intimate partner violence.

The College takes allegations of sexual harassment, sexual discrimination, and sexual misconduct seriously, and will respond promptly to all reports where inappropriate conduct has occurred. While the College only has jurisdiction or authorizing power over Pine Manor College's campus and events, programs, and activities related to the mission of the College, the College will take all reports of violations to our policy seriously and offer as much support to the reporting individuals/groups even if a reported incident does not result in a formal investigation by the College. The College will work to stop the misconduct, prevent its reoccurrence, and restore harm. In efforts to make these amends, the College will provide supportive and interim actions and impose corrective action as necessary, up to and including disciplinary action including termination of employment, expulsion from College, and/or termination of affiliation with the College.

The College's Title IX Coordinator (as defined in Section VI) is responsible for the oversight of PMC's Sexual Harassment and Misconduct Policy and will respond to all related inquiries or concerns.

COLLEGE'S STATEMENT ON SEXUAL HARASSMENT AND MISCONDUCT

Pine Manor College is committed to establishing and maintaining an environment free from all forms of sexual harassment, sexual discrimination, and sexual misconduct (as defined in Section III).

TITLE IX OF THE EDUCATION AMENDMENTS ACT OF 1972

Title IX reads:

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.”

“No person” includes all members of the Pine Manor College community. “On the basis of sex” includes sex, gender, gender identity, and gender expression. Pine Manor College continues to include gender in our Policy despite the withdrawal of gender in Federal laws in 2017 to promote

equity and justice on campus. “Be excluded from participation in” includes activities, events, and use of resources and services such as, but is not limited to, athletics and student affairs, admissions, college majors and classes, and financial aid. “Education program or activity” includes all programming and events connected to Pine Manor College’s mission, learning, and operations.

PREGNANT OR PARENTING STUDENTS

Title IX provides for equal educational opportunities for pregnant and parenting students. It prohibits educational institutions from discriminating against pregnant students based upon their marital status and cannot discriminate against a student because of childbirth, false pregnancy, or recovery from related conditions.

A pregnant student must be granted a leave of absence for as long as it is deemed medically necessary for the student to be absent. At the conclusion of the student’s leave, the student must be allowed to resume the status that the student held when the leave began.

For further guidance, see “Supporting the Academic Success of Pregnant and Parenting Students” brochure <https://www2.ed.gov/about/offices/list/ocr/docs/pregnancy.pdf>. Although this pamphlet focuses on secondary schools, the legal principles apply to all recipients of federal financial assistance, including postsecondary institutions.

If you have any questions regarding your rights as a pregnant or parenting student or you feel like there has been an injustice, please contact the Title IX Coordinator².

TITLE VII

Title VII can be found at <https://www.eeoc.gov/laws/statutes/titlevii.cfm>. The American Association of University Women, summarizes Title VII and states:

“Title VII of the Civil Rights Act of 1964 is a federal law that prohibits employers from discriminating against employees on the basis of sex, race, color, national origin and religion. It generally applies to employers with 15 or more employees, including federal, state and local governments. Title VII also applies to private and public colleges and universities, employment agencies, and labor organizations.”

Title VII of the Civil Rights Act, Massachusetts General Laws Chapter 151B, Massachusetts Fair Education Practices Act, Massachusetts General Laws 151 C, Section 2(g), and other applicable state and federal statutes prohibit sexual harassment.

CIVIL RIGHTS VIOLATIONS

The Office of Civil Rights (OCR) under the Department of Education is responsible for establishing the compliance standards to be applied in investigations and enforcement of Title IX. OCR requires that institutions must take immediate and appropriate steps to investigate

² The language in this section was adapted from Smith College at <https://www.smith.edu/about-smith/title-ix>.

reports of sexual harassment or misconduct, take prompt and effective action to end the harassment, remedy the effects, and prevent the reoccurrence of the behavior.

For assistance related to civil rights violations, individuals may contact the following agencies:

Massachusetts Commission Against Discrimination (MCAD)
John McCormack Building
One Ashburton Place
Sixth floor, Room 601
Boston, MA 02108
(617) 994-6000

Equal Employment Opportunity Commission (EEOC)
JFK Federal Building
475 Government Center
Boston, MA 02203
(800) 669-4000

Office for Civil Rights
U.S. Department of Health and Human Services
Government Center
JFK Federal Building - Room 1875
Boston, MA 02203
(800) 368-1019; TDD: (800) 537-7697
ocrmail@hhs.gov

Attorney General's Civil Rights Division
On-line submissions: <https://www.mass.gov/how-to/file-a-civil-rights-complaint>
(617) 963-2917

** When the Office of Civil Rights is involved in a case, Pine Manor College must turn over all documentation related to the case without redacting information, inclusive of names. **

SECTION III: PROHIBITED CONDUCT AND DEFINITIONS OF TERMS

Pine Manor College prohibits all forms of sexual harassment and misconduct. Sexual misconduct is a broad term that includes, but is not limited to, non-consensual sexual contact, non-consensual sexual intercourse, sexual exploitation, stalking, cyber-stalking, intimate partner violence, and/or gender-based bullying or cyber-bullying regardless of one's sex, gender identity, and other protected identities. Pine Manor College also prohibits retaliation relating to reported sexual misconduct.

DEFINITION OF SEXUAL HARASSMENT

- Sexual harassment is defined as “conduct on the basis of sex” meeting one of the following conditions:
 - An employee of the recipient conditioning the provision of an aid, benefit or service of the recipient on an individual's participation in unwelcome sexual conduct, also known as quid pro quo,
 - Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity, before known as hostile, or
 - Sexual Assault, dating violence, domestic violence or stalking.

In all types of sexual harassment noted, the effect will be evaluated based on the standard of a reasonable person in the position of the claimant.

Unwelcome Conduct determined to be severe, pervasive and objectively offensive - Any unwelcome action or verbal expression or a series of actions or expressions, that have either the intent or are reasonably perceived as having the effect of creating an intimidating, hostile, or demeaning educational, employment, or living environment for College community members, either by being sexual in nature or by focusing on a person's sex, gender, sexual orientation, gender identity, and/or gender expression. An intimidating, hostile, or demeaning environment is defined as one that is so severe, persistent or pervasive, or objectively offensive that it interferes with a person's ability to learn, live, work (if employed by the College), or have access and opportunity to participate in campus life.

A single or isolated incident of sexual harassment 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. This includes, but is not limited to, sexual misconduct and violence, and/or intimate partner violence.

Quid Pro Quo Harassment - Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by a person having power or authority over another in which submission to conduct of a sexual nature is made either explicitly or implicitly a term or condition of an individual's educational progress, employment status or promotion, development, or performance. This includes when submission to such conduct would be a condition for access to receiving the benefits of any educational or employment program.

Examples of quid pro quo harassment may include:

- A professor telling a student that the student will get an “A” if the student has sex with the professor.
- A supervisor telling a direct report that the direct report will receive a raise if they go out on a date with the supervisor.

Retaliatory Harassment - defined as any adverse action taken against a person participating in a protected activity because of their participation in that protected activity (subject to limitations imposed by the 1st Amendment and/or Academic Freedom). No recipient or other person may intimidate, threaten, coerce, exclude or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX. Retaliation against any individual(s) involved in or supporting community members involved in a sexual harassment or misconduct allegation is a violation to the Sexual Harassment and Misconduct Policy.

PROHIBITED SEXUAL HARASSMENT

In some cases, sexual harassment is obvious and may involve an overt action, threat, or reprisal. In other instances, sexual harassment is subtle and indirect, with a coercive aspect that is unstated.

Sexual harassment can take many forms. For instance:

- Sexual harassment may occur between persons of equal power status (e.g., student to student, staff to staff, faculty member to faculty member, visitor/contracted employee to staff) or between persons of unequal power status (e.g. supervisor to subordinate, faculty member to student, coach to student-athlete, student leader to first-year student). Although sexual harassment often occurs in the context of an exploitation of power by the individual with the greater power, a person who appears to have less power in a relationship can also commit sexual harassment (e.g., student harassing faculty member).
- An individual, group, and/or organization may commit sexual harassment against another individual, organization, and/or group.
- An acquaintance, a stranger, or someone with whom the claimant has a past or current personal, intimate, and/or sexual relationship may commit sexual harassment.
- Sexual harassment may occur by or against an individual of any sex, gender identity, gender expression, and/or sexual orientation.
- Sexual harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents.

Examples of behavior that might be considered sexual harassment include, but are not limited to:

- Unwanted sexual innuendo, propositions, sexual attention, or suggestive comments and gestures; humor and jokes about sex or gender-specific traits; sexual slurs or derogatory language directed at another person’s sexuality, gender, gender identity, sexual orientation or gender expression; insults and threats based on sex, gender, gender identity, sexual orientation, or gender expression; and other oral, written, non-verbal, and/or electronic communications of a sexual nature that an individual communicates is unwanted and unwelcome;

- Written graffiti or the display or distribution of sexually explicit drawings, pictures, or written materials; sexually charged name-calling; sexual rumors or ratings of sexual activity/performance; or the circulation, display, or creation of e-mails, social media content, or web sites of a sexual nature.
- Display or circulation of written or on-line materials or pictures degrading to an individual(s) or groups.
- Unwelcome and objectively inappropriate physical contact or suggestive body language, such as touching, patting, pinching, hugging, kissing, or brushing against an individual's body,
- Undue and unwanted attention, such as repeated flirting, objectively inappropriate or repetitive comments about clothing or physical attributes, staring, or making sexually oriented gestures,
- Physical coercion or pressure of an individual to engage in sexual activity or punishment for a refusal to respond or comply with sexual advances in a way that makes the other person uncomfortable,
- Change of academic or employment responsibilities (increase in difficulty or decrease of responsibility) based on sex, gender, gender identity, sexual orientation, and/or gender expression,
- Use of a position of power or authority to: (1) threaten or punish, either directly or implicitly, for refusing to tolerate harassment, for refusing to submit to sexual activity, or for reporting harassment; and/or (2) promise rewards in return for sexual favors;
- Sexual assault,
- Abusive, disruptive, or harassing behavior, whether verbal or physical, which endangers another's mental or physical health, including but not limited to threats, acts of violence, or assault based on gender related status and/or in the context of intimate partner violence;
- Demeaning verbal or other expressive behavior of a sexual or gendered nature in instructional settings; and/or
- Acts of verbal, nonverbal, or physical aggression; intimidation; bullying; or hostility based on sex or sex-stereotyping. Harassment for exhibiting what is perceived as a stereotypical characteristic for one's sex or gender, or for failing to conform to stereotypical notions of masculinity and femininity, regardless of actual or perceived gender related status of the harasser or his/her/their target.

PROHIBITED SEXUAL MISCONDUCT AND DEFINITIONS OF TERMS

Sexual misconduct may vary in its severity and includes a range of behaviors. The following behaviors represent forms of sexual misconduct that violate PMC's community standards and another person's rights, dignity, and integrity.

Sexual Assault:

- Any attempted or actual sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.
- Any attempted or actual sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.

- Rape is the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.
 - Include the crime as Rape, regardless of the age of the victim, if the victim did not consent or if the victim was incapable of giving consent. If the victim consented, the offender did not force or threaten the victim, and the victim was under the statutory age of consent, define as Statutory Rape.
- Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape is sexual intercourse with a person who is under the statutory age of consent.

Sexual Assault may include is defined in the following sub-offenses:

- Sexual Offenses, Forcible – Any sexual act directed against another person, without the consent of the complainant including instances where the Complainant is incapable of giving consent.
- Forcible Rape – Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the Complainant.
- Forcible Sodomy – Oral or anal sexual intercourse with another person, forcibly and/or against that person’s will (non-consensually) or not forcibly or against the person’s will in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- Sexual Assault with an Object – To use an object or instrument to penetrate, however, slightly, the genital or anal opening of the body of another person, forcibly and/or against that person’s will in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapability.
- Forcible Fondling – The touching of the private body parts of another person (buttocks, groin, breasts) for the purpose of sexual gratification, forcibly and/or against that person’s will (non-consensually) or not forcibly or against the person’s will in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapability.
- Sexual Offenses, Non-forcible – Non-forcible sexual intercourse
- Incest – Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by the Commonwealth of Massachusetts.

- Statutory Rape – Non-forcible sexual intercourse with a person who is under the statutory age of consent by the Commonwealth of Massachusetts. This offense only applies if conduct is “consensual” with minor. If forced or against will of victim, revert to Forcible Rape definition.
- Sexual assault may involve people who know each another, people who have or had an intimate and/or sexual history, and/or people who do not know each other.

Dating Violence: violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the Complainant’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of the interaction between the persons involved in the relationship.

- Dating violence includes, but it not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

Domestic Partner Violence: a felony or misdemeanor crime of violence committed:

- By a current or former spouse or intimate partner of the Complainant,
- By a person with whom the Complainant shares a child in common,
- By a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner,
- By a person similarly situation to a spouse of the Complainant under the domestic or family violence laws of the Commonwealth of Massachusetts,
- By any other person against an adult or youth Complainant who is protected from that person’s acts under the domestic or family violence laws of the Commonwealth of Massachusetts.

Stalking: engaging in a course of conduct directed as a specific person that would cause a reasonable person to -

- Fear for the person’s safety or the safety of others, or
- Suffer substantial emotional distress. For the purposes of this definition:
- Course of conduct means two or more acts, including but not limited to acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens or communicates to or about a person, or interferes with a person’s property;
- Reasonable person means a reasonable person who under similar circumstances and with similar identities to the Complainant,

- Substantial emotional stress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

Bullying: Repeated and/or severe, aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally that is sex or gender-based and not speech or conduct otherwise protected by the 1st Amendment.

Bullying may include, but is not limited to:

- Athletic team members pushing and shouting lewd comments at another team member who recently came out as gay.
- A male classmate who consistently sends pictures of his genitals to a female classmate and says he will only stop if she agrees to be his lab partner.

Aiding or Facilitating Sexual Misconduct: Aiding or facilitating sexual misconduct means promoting, expecting, or encouraging the occurrence of any behavior prohibited under this Policy. PMC prohibits community members from both personally engaging in sexual misconduct and from assisting or encouraging another person(s) to engage in sexual misconduct.

Retaliation: An adverse or negative action taken against a person participating in a protected activity because of the person's participation in that protected activity.

Retaliation may include, but is not limited to:

- Hostility
- Intimidation
- Threats of verbal abuse
- Exclusion
- Different treatment
- Harassment

STATEMENT ON CONSENT, COERCION, AND INCAPACITATION

Consent to engage in sexual activity must be known and voluntary and must exist from the beginning to the end of each instance of sexual activity and for each form of sexual contact. Consent to one form of sexual contact does not constitute consent to any other forms of sexual contact. Further, consent to engage in a particular sexual act at any given time is not indefinite or ongoing consent to engage in that same act or any other sexual act on other occasions. A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Even in the context of a relationship, there must be mutually understandable communication that clearly indicates willingness to engage in sexual activity each time such activity occurs.

Consent consists of an outward demonstration indicating that an individual has freely chosen to engage in sexual activity. Consent is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage freely in sexual activity. Relying on non-verbal communication alone can lead to misunderstandings.

Consent may not be inferred from silence, passivity, lack of resistance, or lack of an active response alone. A person who does not physically resist or verbally refuse sexual activity is not giving consent. In the absence of an outward demonstration, consent does not exist.

Consent cannot be obtained from the use or threat of physical force, intimidation, or coercion, and/or any other factor that would eliminate an individual's ability to exercise his/her/their own free will to choose whether or not to have sexual contact. Coercion includes the use of pressure and/or oppressive behavior, including express or implied threats of harm, severe, and/or pervasive emotional intimidation, which places an individual in fear of immediate or future harm or physical injury or causes a person to engage in unwelcome sexual activity. A person's words or conduct amount to coercion if he/she/they wrongfully impair the other's freedom of will and ability to choose whether or not to engage in sexual activity. If sexual acts were preceded by threats or coercion, there is no consent.

Consent may be withdrawn at any time. Withdrawal of consent must also be outwardly demonstrated by words or actions that clearly indicate a desire to end sexual activity. Once withdrawal of consent has been expressed, sexual activity must cease.

For consent, "yes" means yes. A lack of consent may be indicated in a variety of ways. For example, a verbal "no" is not consent, even if it sounds indecisive or insincere. If consent is requested verbally, the absence of any explicit affirmative verbal response constitutes lack of consent. If at any time a person's words, actions, or demeanor suggest hesitancy, confusion, or uncertainty about engaging in sexual activity, the involved individuals/groups should stop and obtain verbal consent before continuing sexual activity.

Due to their biological, mental, or chronological age, certain individuals are not legally able to consent to sexual activity regardless of whether their words or actions indicate such consent. Members of the PMC community are expected to know and comply with the statutory age of consent and any other applicable laws regarding sexual activity in any and all jurisdictions where they may reside or travel. In Massachusetts, minors under the age of 16 are legally unable to consent to sexual acts. Engaging in sex with a minor is an unlawful and punishable by imprisonment in state prison for life. Community members have a legal obligation to report any knowledge of child abuse to the Title IX Coordinator.

Individuals of any age are considered incapacitated and unable to consent to sexual activity if they are not able to make rational, reasonable judgments. Incapacitation is the inability, temporarily or permanently, to give consent because the individual is mentally and/or physically unable. Individuals may be incapacitated and unable to consent to sexual activity due to drug and/or alcohol consumption, either voluntarily or involuntarily, or if the individual is unconscious, asleep, blacked-out, or otherwise unaware that the sexual activity is occurring.

Individuals are incapacitated if he/she/they is unaware of where he/she/they is, how he/she/they got there, or why or how he/she/they became engaged in a sexual interaction.

Indicators of incapacitation may include, but are not limited to, lack of control over physical movements (e.g., stumbling while walking, vomiting), lack of awareness of circumstances and/or surroundings (e.g., cannot communicate basic information such as physical location), and/or the inability to communicate for any reason (e.g., slurred speech). An individual may experience a blackout state in which he/she/they appears to be giving consent, but do not actually have conscious awareness or the ability to consent. It is especially important, therefore, that anyone engaging in sexual activity be aware of the other person's level of intoxication. The relevant standard is whether a reasonable person in the same position would know or should have known the other person(s) was incapacitated and therefore could not consent to the sexual activity.

Alcohol and/or drugs impair a person's decision-making capacity, awareness of the consequences, and ability to make informed judgments. Being intoxicated or impaired by drugs and/or alcohol is never an excuse to engage in sexual misconduct and does not excuse one from the responsibility to obtain consent. As stated above, even if a Respondent is intoxicated he/she/they will be found responsible for sexual misconduct if he/she/they engages in sexual activity with another person who did not consent to the sexual activity.

SECTION IV: CHOOSING TO DISCLOSE A SEXUAL ASSAULT

PMC recognizes that the decision on whether or not to share sexual or gender-based misconduct is personal and that there are individual and societal barriers to reporting. Not all individuals/groups are prepared to make a report to the College and/or to law enforcement, and individuals/groups are not expected or required to pursue a specific course of action. PMC recognizes that choosing to come forward with your story and deciding how to proceed is a process that may unfold over time. Therefore, those involved in an incidence of sexual misconduct may come forward at any time, even if it is weeks, months, or years after the incident took place.

PMC recognizes and respects the right of individuals/groups who have experienced sexual misconduct to decide when and whether they wish to report misconduct to the College, to law enforcement authorities, to both, or to neither. The College will honor the right of those impacted by sexual misconduct to decide whether they wish to participate in a College and/or law enforcement investigation. While those involved in the sexual misconduct incident may choose not to participate in the College's investigation, the College does have a responsibility to investigate all incidents that are brought forward to ensure community safety.

Upon receipt of a sexual misconduct allegation, the College will take appropriate steps (see Section VIII for details) to prevent its recurrence, investigate the incident(s), determine responsibility, and address its effects. At any point during the process, if any person involved has questions about the process, support services, resources, etc. they should bring their questions to the Title IX Coordinator, a Deputy, or a member of the PMC community they trust.

PRIVACY

Pine Manor College is committed to respecting the privacy of individuals/groups involved in reports of sexual misconduct. In every report of sexual misconduct, the College will balance the privacy interest of the people involved against the need to eliminate sexual misconduct on campus.

Information obtained in a disclosure and Title IX investigation will be provided only to those individuals/groups involved in the investigation and to College staff that "need to know."

In some instances, a claimant may wish to keep his/her/their identity confidential or may request that no investigation occur. In such cases, PMC will balance the request of the claimant/reporter against the College's responsibility to provide a safe and non-discriminatory environment for all College community members.

All Title IX investigative and sanction proceedings, and all related notices or statements issued by PMC will comply with the Family Educational Rights and Privacy Act (FERPA), Health Insurance Portability and Accountability Act of 1996 (HIPPA), the Jeanne Clery Act, Title IX, the current Dear Colleague Letters, Violence Against Women's Act (VAWA), and College Policy. Pine Manor College will not release any information acquired through the sexual misconduct investigation process except as required or permitted by law.

BYSTANDER INTERVENTION

Pine Manor College strongly encourages all community members to take reasonable to prevent or stop sexual misconduct when they observe or become aware of it. Taking action may include directly or indirectly confronting the situation (if it is safe to do so), taking steps to interrupt the situation, seeking assistance from a person in authority to assist, or reporting an incident you are made aware of to a PMC employee. Individuals who assist in stopping sexual misconduct will be supported by the College, protected from retaliation, and receive amnesty.

AMNESTY

Pine Manor College seeks to remove any barriers to reporting sexual misconduct by making the procedures for reporting transparent and straightforward. The College recognizes that a student who has been drinking or using drugs at the time he/she/they is harmed by sexual misconduct or witnesses another person engaging in sexual misconduct may be hesitant to make a report concerning such sexual misconduct because of potential disciplinary consequences for his/her/their own conduct. Any PMC student who reports sexual misconduct, either as a claimant, reporter, respondent, or other will not be subject to disciplinary action by the College for his/her/their own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk. The College may, however, initiate an educational discussion or restorative practices regarding alcohol or other drugs.

STATEMENT AGAINST RETALIATION

Retaliation against anyone who reports sexual misconduct or who is involved in a sexual misconduct investigation is strictly prohibited. This includes the claimant, respondent, the claimant and/or the respondent's friends or others, and third person participants.

The College will follow the procedures outlined in this Policy for reported retaliation.

SECTION V. REPORTING, GRIEVANCE, AND INVESTIGATION PROCESS

REPORTING AN INCIDENT OF SEXUAL HARASSMENT OR DISCRIMINATION:

Any person may report sex discrimination, including sexual harassment whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment, in person, by mail, by telephone or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time, including during non-business hours, by using the telephone number or electronic mail address, or by mail to the office address of the Title IX Coordinator.

NOTICE OF FORMAL COMPLAINT TO TITLE IX COORDINATOR:

A formal complaint is a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the Institution investigate the allegation of sexual harassment. Formal notice of sexual harassment must include any one of the following offenses: sexual harassment sexual assault, domestic violence, dating violence and stalking, and may include personal observation of sexual harassing conduct by any employee.

The formal complaint must be brought to an Official with Authority (OWA), which includes the Title IX Coordinator, College President or a Senior Leader, who have the authority and absolute responsibility to take corrective action on the part of the Institution. At the time of filing the formal complaint, the complainant must be participating in or attempting to participate in the education program or activity of the Institution with which the formal complaint is filed.

Regulations do not require a Title IX investigation unless the institution receives actual notice through a formal complaint. Actual notice is defined as a written, signed complaint of sexual harassment to the Title IX Coordinator or other appropriate official who has authority (OWA) to implement corrective measures.

The Title IX Coordinator reserves the right to take action even without agreement from the complainant in the event that they deem the situation necessary and important to do so.

A Formal complaint is required for an Informal Resolution to be an available option for resolution of allegations brought forward to the Title IX Coordinator.

PROVISION OF SUPPORTIVE MEASURES:

The Title IX Coordinator or Deputy Coordinator is responsible for coordinating the effective implementation of supportive measures.

Supportive Measures: non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. They are designed to restore or preserve equal access to the Institution's education program or activity without unreasonably burdening the other party, including measures

designed to protect the safety of all parties or the institution's educational environment, or deter sexual harassment.

The Institution must maintain as "confidential" any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the supportive measures.

- For students, the Student Affairs On-Call Team will work with students and students' guests to determine the necessity and scope of any immediate supportive and interim measures through using NaBITA's assessment rubric. The Faculty and/or Administrator Deputy will work with employees and third-party contractors to determine the necessity and scope of any immediate supportive and interim measures through using NaBITA's assessment rubric.
- Pine Manor College may choose to impose supportive and interim measures even if a claimant, reporter, and/or respondent does not request protective actions.
- For students and students' guests, a member of the Student Affairs On-Call Team will assign the supportive and interim measures in writing (email and/or hard copy), at a minimum. For employees and third-party contracts, the Faculty and/or Administrator Deputy will assign the supportive and interim measures in writing (email and/or hard copy), at a minimum. The supportive and interim measures will remain in-place until the person(s) receive documented evidence of such changes (via email and/or hard copy) by a member of the Student Affairs leadership team (for students and students' guests) or Faculty and/or Administrator Deputy (for employees and third-party contracts).
- Persons that do not abide by any or all of the supportive and interim measures may be subject to additional violations. Depending on the severity of the violation, persons may face additional sanctions up to and including expulsion or termination from the College.
- A violation of supportive and interim measures should not deter an on-going investigation from moving forward.

Pine Manor College may impose a range of supportive and interim measures including, but not limited to:

No Contact Order

A claimant, respondent, or third person may request or the College may impose communication and contact restrictions to prevent further, potentially harmful, interactions in the form of a No Contact Order (NCO). These communication and contact restrictions preclude in-person, telephonic, electronic, and/or third person communications. Communication includes, but is not limited to, verbal and non-verbal communication, implied or inferred communication, communication targeted to the individual or a broader group about the individual. For example,

- When an NCO is in place, a person cannot post on Snap Chat a picture of the place where the alleged incident occurred with the message, “you know what you did here” or “you are lying.”
- Involved persons’ friends and family members must also refrain from posting similar messages. For example,
- When an NCO is in place, a claimant’s parent cannot call the respondent to express dismay.

If an involved person’s friends and/or family members disregard the NCO, the College must hold the claimant, respondent, or third party affiliated with the friends and/or family responsible.

If the College puts in place a No Contact Order, details of the NCO are included in the NCO letter.

Individuals may choose to put in place court issued protection in addition to the College’s NCO. Court order protection may include Restraining Orders, Abuse Prevention Orders, or Harassment Prevention Order from the local courts. These orders are part of a civil proceeding independent of the College. If the court issues a court order, PMC will, to the extent possible, assist the protected person in benefiting from the restrictions imposed by the court and will try to facilitate on-campus compliance with the order.

For support in this process, students may reach out to their Student Success Coach, college counselors, and/or one of the resources listed in Section VI, On and Off-Campus Resources. Employees of the College are encouraged to reach out to a Deputy, trusted colleague, and/or one of the resources listed in Section VI, On and Off-Campus Resources.

For fairness and equity, when the College issues a NCO, the NCO goes between each person involved regardless of whom, if anyone, requested the NCO. For example,

If Joe requested the NCO so Sam could not contact Joe, then Sam and Joe will each receive an NCO between them and the other person, so Joe cannot contact Sam and Sam cannot contact Joe.

Academic, Employment, and/or Residence Hall Preventative Measures

Once the College is notified of an alleged violation to the Sexual Harassment and Misconduct Policy, the College will work to stop the misconduct and put in place preventative measures to avoid reoccurring incidents. Preventative measures may include, but are not limited to, changes within academic classes, assignments, and/or schedules; on-campus employment; co-curricular involvements; and/or residence hall placements. The College will put preventative measures in place to the best of our ability. Such preventative measures may include:

- Change in class schedule, taking an incomplete, dropping a course without penalty, attending a class via Skype or other alternative means, receiving an academic tutor, or extending deadlines for assignments,

- Change of residence hall assignment (either temporarily or permanently),
- Change in on-campus work assignment or schedule; and/or
- Providing an escort to ensure safe movement on campus.
- Additional security outside of classrooms, residence halls, or offices.

The College will work to best prevent future reoccurrence of the sexual misconduct. The College cannot make modifications for anything before the incident. For example,

If a professor drops a letter grade for every 2 missed classes, and an involved community member missed four classes before the incident occurred, the Student Affairs Title IX Deputy cannot ask for the professor to waive the initial four absences.

If the College relies on off-campus accommodations (i.e. hotels, AirBnB) for students as a means of interim supportive and preventative measures, the College will cover the costs of involved students up until responsibility is determined. If a respondent is found *responsible* of a violation to the Sexual Harassment and Misconduct Policy, then the College will transfer the charges accrued to the student's account. If a respondent is found *not responsible* of a violation to the Sexual Harassment and Misconduct Policy, then the College will incur the charges, not inclusive of room service or additional amenities.

Counseling

Free counseling is available to all Pine Manor College students. To make a counseling appointment on-campus students should email wellness@pmc.edu.

If students display signs of self-harm or harm to others, the Student Affairs On-Call Team and/or Student Affairs Leadership Team will escalate the situation immediately and reach out to emergency personnel.

Students on an interim suspension may utilize Pine Manor College's free counseling services if the therapist agrees to tele-therapy or meeting at another location off-campus, determined by the therapist (e.g. their private practice, The Brookline Center). Students with an interim suspension may not come onto campus for counseling.

Students suspended or expelled from Pine Manor College may not use Pine Manor College's free counseling services in person or via tele-therapy. If students suspended or expelled want to continue to receive counseling from their therapist, the student and the therapist can make those arrangements outside of Pine Manor College's contractual relationship with The Brookline Center. Pine Manor College does not cover the co-pay for students seeking counseling who are currently suspended or expelled from the College.

Pine Manor College employees looking for counseling services should reach out the Pine Manor College's Employee Assistance Program (EAP) – New Directions. Employees can reach New Directions at 800-624-5544 or via www.ndbh.com – login: SGE3F.

Interim Suspensions

Where the report of sexual misconduct poses a risk of harm to the safety and/or well-being of an individual or members of the campus community, the College may place any of the involved persons on a range of suspensions from limited access to certain buildings such as residence halls, office space, or co-curricular involvement up to an interim suspension/leave from campus, classes, and other College affiliated activities or programs.

Depending on the terms of an interim suspension or leave, persons may or may not have access to campus, co-curricular activities, and classes. The College will evaluate each interim suspension or leave on an individual basis to ensure maximum allowance to not interrupt the education of students on campus. PMC will make reasonable efforts to complete the investigation and resolution within a reasonable timeframe when the College has imposed an interim suspension. As the investigation unfolds, the designated deputy or (for students) Student Affairs Associate Dean of Students may roll back the interim suspension measures.

Interim suspensions are less than ideal, since they usually go into effect immediately and place a hardship on those involved. Pine Manor College is not responsible for travel arrangements or housing when the College invokes interim suspensions. In addition, PMC cannot cover the costs of hotels during interim suspensions. In most cases, the College would recommend persons return home during this time.

The College does not note interim suspensions on students' transcripts.

Emergency Notification System (ENS)

If Student Affairs or Campus Safety concludes that a report of sexual misconduct presents an immediate threat to the College campus community, the College will issue a timely notice of the conduct to the College community to protect the health and/or safety of the broader campus community through the Emergency Notification System. The notice will not contain any personal, biographical, or other identifying information of the claimant/reporter.

Shortly after the Title IX Coordinator and/or Deputy receive notification of a potential Sexual Harassment and Misconduct Policy violation, the appropriate Deputy will reach out to the persons involved in the case for an initial inquiry. For example,

A case involving a faculty member and a student would bring in the Faculty Title IX Deputy and the Student Affairs Title IX Deputy for support.

Additional supportive measures include:

1. Referral to counseling, medical and/or other health services
2. Altering campus housing
3. Safety Planning
4. Providing campus escorts
5. Providing transportation accommodations
6. Implementing No Contact Orders
7. Class schedule modifications

8. Increased security & monitoring
9. Academic support, extension of deadlines or other course- related adjustments

INITIAL ASSESSMENT OF APPLICABLE POLICIES & PROCEDURES:

The Title IX Coordinator is responsible for making the initial assessment of the Formal Complaint brought forward to their office to confirm whether the incident falls under the jurisdiction of the Title IX Office or other departmental policies, which could include Student Conduct or Human Resources. The initial assessment includes the following 5 Questions:

- ✓ Does the incident described meet the definition of Sexual Harassment?
- ✓ Is the complainant a member of the community?
- ✓ Is the respondent a member of the community?
- ✓ Did the incident occur during a program, activity or in an environment controlled/overseen by the Institution?
- ✓ Did the incident occur in the United States?

DISMISSAL PROVISIONS:

If the above 5 Questions are not ALL answered affirmatively, then a Regulation-based dismissal would occur and the incident/allegations would be addressed under another provision of the Institution’s code of conduct or other applicable resolution procedures, e.g. Student Conduct (student-based) or Human Resources (employee-based).

If the above 5 Questions are ALL answered affirmatively, then the next step is to discuss, review and assess the Complainant’s Preferred Course of Action.

ASSESSMENT OF COMPLAINANT’S PREFERRED COURSE OF ACTION:

The Title IX Coordinator will review with the Complainant their options in moving forward to address the allegations as reflected in their Formal Complaint, which include:

- A. Determination of whether to proceed with a **Formal Investigation**,
- B. Determination of whether to proceed with an **Informal Resolution**, or,
- C. Determination of whether the Complainant’s Request for **No Action/Confidentiality** can be respected should this be requested.

The process involved in each course of action will be reviewed with the Complainant to support their decision in moving forward. Regardless of the course of action, the following grievance procedures must include the following:

- ✓ Presumption that the responding party is not responsible until a determination is reached.
- ✓ Respond promptly in a manner that is not deliberately indifferent to actual knowledge

- ✓ Provide the range of possible sanctions and remedies
- ✓ Provide a description of the standard of evidence
- ✓ Describe the bases and procedures for an appeal, which is now required
- ✓ Describe the range of supportive measures available to all parties

A. FORMAL INVESTIGATION:

With a decision to move forward with a Formal Investigation, the following steps and timeframes are to be taken:

NOTICE TO PARTIES OF ALLEGED POLICY VIOLATION AND FORMAL INVESTIGATION:

Upon receipt of a formal complaint indicating that the complainant wants to move forward with a formal investigation, the following needs to be included in the written notice to the parties who are known:

- Notice of the recipient’s grievance process that complies with this area, including any informal resolution process,
- Notice of the allegations of sexual harassment potentially constituting sexual harassment as defined in 106.30 including sufficient details known at the time and with sufficient time to prepare a response before any initial interview including:
 - Identifies of the parties involved in the incident if known,
 - Conduct allegedly constituting sexual harassment under 106.30,
 - Date and location of the alleged incident, if known,
 - Statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process
 - Provide parties involved with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice, who may be, but not required to be, an attorney, and not limit the choice of presence of advisor for either the complainant or respondent in any meeting or grievance proceeding.

Additionally, to be understood in the upcoming process:

- The parties need to be aware that the Institution’s code of conduct prohibits knowingly making false statements or knowingly submitting false information during the grievance process.
- The parties need to provide notice of any additional allegations added after the initial notice to the parties whose identities are known.

- **Mandatory Dismissal** will occur if:
 - The conduct alleged in the formal complaint would not constitute sexual harassment,
 - If the conduct did not occur in the recipient's education program or activity,
 - If the conduct did not occur against a person in the United States; or
 - If at the time of filing a formal complaint, the complainant is not participating in or attempting to participate in the education program or activity of the Institution.

- **Permissive Dismissal** may occur if any of the following elements are present:
 - If at any time during the investigation or hearing a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations,
 - The respondent is no longer enrolled or employed by the recipient; or
 - Circumstances prevent the Institution from gathering evidence sufficient to reach a determination as to the formal complaint or allegations.

- **Emergency Removal** may occur with the respondent from their education program or activity on an emergency basis, provided that the institution:
 - Undertakes an individualized safety and violence risk analysis,
 - Determines that an immediate threat to the physical health or safety of students or employees justifies removal; and,
 - Provides the responding party with notice and an opportunity to challenge the decision immediately following the removal.

- **Employee Administrative Leave** for a non-student employee respondent:
 - A non-student employee respondent may be placed on administrative leave during the pendency of a grievance process under the existing procedures and related to the allegations brought forward in the formal complaint, without modifying any rights provided under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.
 - The non-student employee respondent must receive notice of any other applicable policies related to the allegations brought forward in the Formal Complaint.

INVESTIGATION PROCESS:

- All parties must be provided with an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence,
- There will be no restriction on the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
- Access to Evidence & Preliminary Report:
 - Regulations mandate the creation of an investigation report that fairly summarizes all relevant evidence. Prior to completion of the report, all evidence directly related to the allegations must be provided to the parties
 - A Preliminary Report is written and sent to the Parties. Parties must have at least **10 days to review** and submit written responses prior to the report being finalized.
- Due Process: Evidence:
 - All relevant and reasonably available evidence must be considered – inculpatory and exculpatory.
 - There should be no restrictions on discussing the case or gathering evidence.
 - There will be equal opportunity to: present witnesses, present evidence, and inspect all evidence, including evidence not used to support determination.
 - There will be no limited to types/amount of evidence that may be offered, except must be relevant and respect “rape shield” provisions
 - All evidence directly related to the investigation must be included.
- Investigation Report:
 - A draft of the investigation report must be written appropriately summarizing the investigation and all relevant evidence obtained. This should be reviewed with the Title IX Coordinator prior to being provided to the parties.
 - The report and all evidence obtained that is directly related to the complaint should be sent to each party and the party’s advisor to review in an electronic format or hard copy. The parties will have **10 days** to submit a meaningful written response, which the investigator will consider prior to final completion of the investigation report. This is intended to allow the parties and their advisors to comment on the report prior to finalization and to prepare them for the hearing with the report in hand in advance.

PRE-HEARING CONFERENCE:

- It is strongly recommended that a Pre-Hearing Conference be held with the parties and their advisors to review any additional information; clarify information to be included or not; list the questions to be asked and how they should be phrased; and identify areas where questions or concerns exist and how to best address. This type of meeting provides a means of planning and preparing the parties for an effective hearing.

FORMAL HEARING

- Specific requirements for a Formal Hearing include the following:
 - Mandated live hearings are required for higher education.
 - A hearing administrator or panel is responsible for managing the hearing process and making the decision/determination of the appropriate outcomes and remedies associated with the allegations brought forward. The hearing officer may not be the Title IX Coordinator, the investigator, or the appeals officer.
 - There will be provisions for separate rooms for a video-based hearing where both parties and their advisors need to be able to clearly hear one another. A virtual means of doing so is acceptable.
 - Parties and witnesses attending the hearing must submit to live, advisor-led cross-examination. The statements submitted by any parties absent during the hearing must be excluded for consideration in the hearing process.
 - Live cross-examination must be conducted exclusively by each party's advisor – verbally, directly and in real-time.
 - Each party must be permitted to ask the other party and all witnesses all relevant questions and follow-up questions, including questions challenging credibility.
 - Each question must be cleared by the hearing administrator before being posed
 - Questions deemed irrelevant may be excluded with rationale provided.
 - Questions involving complainant's sexual disposition or prior sexual behavior unless specifically relevant must be excluded.
 - It is strongly recommended to create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.
- Provision of an Advisor for Cross-Examination:
 - If a party does not have an advisor present at the live hearing, the Institution must provide without fee or charge to that party, an advisor or the recipient's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.
 - The advisor must conduct the cross-examination. If the party refuses to cooperate with their advisor, the advisor must be replaced by the Institution.
- Questioning and Cross-Examination:
 - There is an established questioning protocol: The advisor poses the question, process pauses while the hearing officer considers the relevance of every question, and then decides whether to permit the question, explaining any decision to exclude or request a rephrasing or reframing of the question. Abusive, unruly and repetitious questions are not considered relevant.
 - If a party or witness does not submit to cross-examination at the live hearing, the hearing officer or panel must not rely on any statement of that party or witness in reaching a determination regarding responsibility.

- The hearing officer or panel cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.
- Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally.
- The hearing officer must explain to the party proposing the questions any decision to exclude a question as not relevant.
- Questions about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's behavior are offered to prove that someone other than the respondent committed the conduct allegedly by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
- Standard of Evidence:
 - The hearing officer must apply either the preponderance of the evidence standard or the clear and convincing evidence standard.
 - The standard of evidence must be consistent for all formal complaints of sexual harassment, regardless of policy, for complaints against students and for employees, including faculty.

APPEAL:

- The appeal process is managed by an appeals officer assigned by the Title IX Coordinator and should take **approximately 3-5 days**.
- All parties are provided an opportunity to appeal from a determination regarding responsibility, and from the hearing officer's dismissal of a formal complaint or any allegations therein, on the following bases:
 - Procedural irregularity that affected the outcome of the matter,
 - New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that would affect the outcome of the matter; and,
 - The Title IX Coordinator, investigator or hearing officer had a conflict of interest or bias for or against the complainant or respondent that affected the outcome of the matter, or other additional biases, as long as they are applied to the parties equitably.
- The other party must be notified in writing when an appeal is filed and implement appeal procedures equally for all parties
- It is important the appeal officer is not the same person as the hearing officer that reached the determination regarding responsibility or dismissal, the investigator or the Title IX Coordinator.
- Both parties should be provided reasonable and equal opportunity to submit a written statement in support of, or challenging, the outcome.

- Both parties must be offered an equitable appeal based on the determination or dismissal of any allegation.
- The written decision by the appeal officer must include the decision, rationale, and delivered simultaneously to both parties. The appeal officer's decision is final.

NOTICE OF OUTCOME, DETERMINATION AND REMEDIES:

- At the conclusion of the hearing, the hearing officer or hearing panel must draw conclusions regarding the application of the allegations against the institution's code of conduct policies based on the facts as presented.
- There will be a statement of and rationale for the results related to each allegation including:
- Any disciplinary sanctions the hearing officer imposes on the respondent; and,
- Whether remedies are designed to restore or preserve equal access to the Institution's education program or activity provided by the recipient to the complainant.
- Remedies:
 - Prior to confirmation of any sanctions issued to the respondent, the parties are encouraged to submit a reflection or impact statement that may include:
 - What would be most helpful for the panel to know about?
 - How has this experience affected their lives, their thinking and their actions going forward?
 - The Title IX Coordinator is responsible for the effective implementation of any remedies.

PROVISION OF SUPPORTIVE MEASURES: Please refer to Section C for the specific process and supportive measures to be offered to the involved parties.

B. INFORMAL RESOLUTION:

With a decision to move forward with an Informal Resolution, the following steps and timeframes are to be taken:

NOTICE TO PARTIES OF ALLEGED POLICY VIOLATION AND FORMAL INVESTIGATION:

- An informal resolution requires that a Formal Notice to be filed; however, it does not need to involve a full investigation and adjudication. This option may be offered at any time **prior to** reaching a determination regarding responsibility if both parties agree in writing and that participation in the informal process is not a condition of enrollment or continuing enrollment or employment or continuing employment.
- The parties receive a written notice disclosing:
 - The allegations related in the formal notice,

- The requirements of the informal process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations,
- At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint; and,
- Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared, which are part of the investigation report.

INVESTIGATION PROCESS – Please refer to section **A** for the specific steps in the investigation process.

- Upon completion of the investigation, the parties are to receive the preliminary report and have 10 days to comment and confirm facts in the report.
- Respondent elects via informal resolution to accept responsibility for the policy violation.
- Once the Preliminary report is agreed-upon, the parties are informed of the date for the formal hearing but are informed of the option for an informal resolution.
- The option of an informal resolution **MAY NOT** be offered to resolve allegations involving an employee sexually harassing a student. This must go through the Formal Hearing process.

PARTIES ARE INFORMED AND AGREE TO INFORMAL RESOLUTION:

- With the voluntary written consent of both parties, the Title IX Coordinator must be informed and will schedule and facilitate (either the Coordinator or Deputy) the informal resolution process.
- If either party changes their consent to participating in the informal resolution, the process reverts to Formal Hearing

INFORMAL RESOLUTION PROCESS:

- The parties are both heard relative to the incident and allegations described in the Formal Complaint,
- The respondent accepts responsibility for the allegations described and the related policy violation,
- The complainant accepts the responsibility taken by the respondent,
- If the matter is resolved, the complainant accepts the proposed sanctions and remedies determined by the Title IX Coordinator or Deputy Coordinator; if the sanctions and remedies are not accepted, the process reverts to the Formal Hearing

NOTICE OF OUTCOME, DETERMINATION AND REMEDIES:

- The Title IX Coordinator or Deputy confirms the outcome of the resolution process and determines the sanctions and remedies to be issued to the respondent. A letter of outcome including the rationale is sent to both parties.

PROVISION OF SUPPORTIVE MEASURES:

- Please refer to Section C for the specific process and supportive measures to be offered to the involved parties.

C. COMPLAINANT REQUEST FOR NO ACTION/CONFIDENTIALITY:

With a decision to move forward with No Action/Confidentiality, the following steps and timeframes are to be taken:

DETERMINATION IF REQUEST IS APPLICABLE/ACCEPTABLE:

- The Title IX Coordinator will determine, based on their Initial Assessment and further review of the incident in consultation with the Title IX Deputy and other appropriate resources, whether this request of the complainant for No Action/Confidentiality can be accepted.
- If the complainant's request is accepted, the Title IX Coordinator will ensure that supportive measures are provided to the complainant
- If the complainant's request cannot be accepted, the process reverts to Formal Investigation.

SECTION VI: ON AND OFF-CAMPUS RESOURCES

The following resources are available to the Pine Manor College community as they may be directly or indirectly involved with a sexual misconduct case. Reaching out for support during a case is critical to one's health and wellness as both sexual harassment and assault violations and investigation processes are difficult for all individuals/groups involved. An easy reference of support services can also be found in Appendix B.

Please refer to the Campus Directory for the most current names and contact information of campus employees. The Campus Directory can be found at <http://www.pmc.edu/directory>

ON-CAMPUS RESOURCES

Emergency Resources

Pine Manor College Campus Safety

(617) 731-7777 (emergency line)

(617) 731-7187

Available 24/7 at the front booth along the College's driveway

Non-Emergency Assistance

Privileged Resources

Certain professionals on and off-campus are "Privileged Resources." Privileged resources include medical care providers, mental health care providers, rape crisis counselors, ordained clergy, and attorneys. Because of their roles, these professionals are required and must keep information told to them confidential. Information provided to Privileged Resources cannot be disclosed unless (1) they are given permission to share the information by the person who disclosed the information; (2) there is an immediate threat of harm to self or others; (3) the conduct involves suspected abuse of a minor under the age of 18; or (4) as otherwise required or permitted by law or court order.

Since a disclosure to a Privileged Resource is confidential, the College will not know about the alleged sexual misconduct or incident being discussed. Without notice of an allegation of sexual misconduct, the College cannot address the incident.

Pine Manor College encourages people affected by sexual misconduct to seek help and assistance from a trained counselor. The privileged resources available to students on campus include the College Counselors and Accessibility Services Coordinator.

For employees looking for privileged resources, Pine Manor College encourages the use of the Employee Assistance Program (EAP). More information on PMC's EAP Program can be found on Pine Manor College's Human Resources webpage.

Title IX Coordinator

Shelley Dropkin

Director of Human Resources/Title IX Coordinator

Pine Manor College

400 Heath Street, Chestnut Hill, MA 02467

Ferry Building, First Floor; 617-731-7143; sdopkin@pmc.edu; TitleIX@pmc.edu

The Title IX Coordinator oversees the Title IX process. The Title IX Coordinator works with the Title IX Deputies (defined below) to confirm alleged Title IX cases that involve member(s) of the Pine Manor College community. The Title IX Coordinator brings the case to the attention of involved individuals or groups, assigns an investigator, ensures compliance with the outlined Sexual Harassment and Misconduct Policy, reviews the final report submitted by the investigator, presents the case to the sanction panel, communicates the findings to the Respondent(s) and Claimant(s), and coordinates the appeals process.

The Title IX Coordinator tracks trends in Title IX cases and provides aggregate reported sexual misconduct data to the Dean of Student Affairs for reporting purposes. In addition, the Title IX Coordinator is responsible for training people that work directly or indirectly with the Sexual Harassment and Misconduct Policy including, but not limited to, sanctioning and appeal panel members and responsible employees.

In the event that the Title IX Coordinator cannot perform his/her/their duties, a Title IX Deputy will fill in for the Coordinator.

Title IX Deputy Coordinator

Lisa Rodrigues
Dean of Student Affairs
Pine Manor College
400 Heath Street, Chestnut Hill, MA 02467
Campus Center, First Floor
617-731-7136; lrodrigues@pmc.edu

Title IX Deputy Coordinator is the Dean of Student Affairs.

The Title IX Deputy oversees all aspects of support for students involved in an open case, including but not limited to, working to stop and prevent future sexual misconduct through adjusting student's housing or classes and/or instituting No Contact Orders and interim suspensions. The Title IX Deputy also helps students, and their family members understand the Title IX process. The Title IX Deputy does not give process advice or serve as an advisor to avoid any conflicts of interest and will work with students to find other outlets of support to assist in advisory roles. During a case, the Title IX Deputy ensures compliance with the outlined Sexual Harassment and Misconduct Policy with the Title IX Coordinator as a means of checks and balances.

The Title IX Deputy is also responsible for compliance of Title IX within athletics related to gender equity in sports.

In addition, the Title IX Deputy oversees trainings, educational programming, and awareness events for students on campus.

Director of Restorative Practices and Community Standards

Along with offering support to students involved in Title IX cases, the Director of Restorative Practices and Community Standards oversees cases that fall outside the Sexual Harassment and Misconduct Policy, including but not limited to, policy violations named in the Student Handbook and violations of interim measures and/or sanctions put in place due to Title IX.

For example:

- If two students have No Contact Orders due to an alleged stalking situation and student #1 sends a text message to student #2, then the breach of the No Contact Order goes to the Director of Restorative Practices and Community Standards.
- If through a sexual misconduct investigation, the findings show that there was no sexual misconduct violation; however, there was an alcohol violation, the case would transfer to the Director of Restorative Practices and Community Standards.

The Director of Restorative Practices and Community Standards also serves on the Title IX Sanction Board (and the Appeals Board, if needed) as a sitting member to ensure consistency and equity between community standards cases and Title IX.

In the event that a restorative circle is appropriate in a Title IX case, the Director of Restorative Practices and Community Standards may also be asked to facilitate the circle.

Mandated Reporters

Pine Manor College employees, resident assistants, and those affiliated with Pine Manor College (e.g., campus safety, food services) are mandated to work in concert with the Title IX Coordinator to ensure a safe and healthy educational environment. Individuals should understand that all employees of Pine Manor College who are not named above as Privileged Resources are obligated to report sexual misconduct if they observe, witness, or otherwise learn about any member of the College community who engaged in or was impacted by sexual misconduct. If a responsible employee receives information about an incident of sexual misconduct, he/she/they should immediately notify the Title IX Coordinator or a Deputy. Any community member who has imminent concerns about a person's well-being should call Campus Safety immediately.

While the responsible employee must escalate the incident to the Title IX Coordinator or a Deputy, the responsible employee can tell the claimant that he/she/they are not required to file a formal complaint or participate in the investigation unless they wish to do so. In reporting the incident to the Title IX Coordinator, a responsible employee should always inform the Title IX Coordinator if the claimant/reporter has requested confidentiality.

Responsible employees who are not themselves a claimant or a respondent in the given case should cooperate in good faith with any College sexual misconduct investigation.

When a responsible employee learns about a disclosure of sexual misconduct, the responsible employee should let the claimant/reporter guide the conversation, rather than solicit further details or seek to investigate the matter.

Employees who learn about a sexual misconduct incident should not discuss the incident with others as the Family Equal Rights and Privacy Act (FERPA) protects the students and the information the student has shared is private and sensitive in nature.

The community member should not take it upon him/her/themselves to contact law enforcement unless the claimant consents to his/her/their doing so or needs emergency medical attention.

All PMC employees can support students. If a student wishes to discuss an incident that occurred, Pine Manor College encourages the student to seek a person they trust. In addition, the following people can lend support and/or assist with supportive measures:

- Associate Dean of Student Affairs
- Associate Dean of Academic Affairs
- Director of Restorative Practices and Community Standards
- Director of Residential Life
- Athletic Director
- Student Success Coaches
- Student Affairs Graduate Assistants
- Athletic Coaches
- Resident Assistants

TIMEFRAME FOR RESOLUTION

The College will work to investigate all reports of sexual harassment and misconduct within 90 days. Extenuating circumstances, including but not limited to, the complexity and severity of a report may require the process to extend beyond 90 days. The individuals/groups involved can expect to receive periodic updates from the Title IX Coordinator as to the status of the investigation and resolution.

In the event that the investigation and resolution exceed this timeframe, the Title IX Coordinator will notify all individuals/groups involved of the need for additional time and best efforts made to complete the process in a timely manner.

The College calculates timeframes in the sanctions and appeals process pursuant to business days, which refers to those days that the College is open for business. The

College excludes all dates when the College is officially closed for business, including, but not limited to, holidays, snow days, and weekends, from the calculation of business days. In addition, the College in extenuating or unusual circumstances may adjust all timeframes in the sanctions process.

COMING FORWARD ABOUT A POLICY VIOLATION

Pine Manor College community members and guests can choose to come forward and report a violation to the Sexual Harassment and Misconduct Policy in the different ways discussed in Section V such as community members and guests notifying campus safety, a mentor, an advisor, or a colleague who would then assist the claimant/reporting party in telling the Title IX Coordinator or Deputy. A claimant/reporter can also report a violation directly to the Title IX Coordinator or Deputy via email, phone call, or in person. People can also email TitleIX@pmc.edu to file a report.

For an imminent response to a policy violation, community members should contact campus safety or 911.

Upon coming forward to report a Sexual Harassment and Misconduct Policy violation, the College works to stop, prevent, and instill measures so the actions that occurred are not repeated.

WRITING IMPACT STATEMENTS

If the respondent is found responsible, the claimant(s) and respondent(s) will each have two (2) business days from the date they review the Title IX Investigator's report and findings to submit a written impact statement to the Title IX Coordinator. The written impact statements afford impacted individuals the opportunity to reflect on the incident, the process, and share any additional information with the sanctioning panel. Claimants and respondents should consider the following questions when writing their Impact Statements:

- What have you learned about yourself through this process?
- What have you done to practice self-care through this process?
- What would you do differently having now gone through this process?
- What do you need to feel more whole again?
- What sanctioning would you recommend based on the findings from this case?

Involved individuals should submit their written impact statements to the Title IX Coordinator who will share the statements with the members of the Sanctions Panel, who will see the impact statements before determining any sanctions.

SANCTIONING

No later than three (3) business days after the date when the written impact statements are due, the Sanctions Panel will review the following documents: (1) a copy of the final Title IX investigative report; (2) a copy of the respondent's prior disciplinary record, if any; and, (3) a copy of any written impact statements. The Sanctions Panel will then deliberate and decide on what, if any,

sanctions are most appropriate to achieve the College's goals of (1) assuring safety of the individuals in the case and the PMC Community and (2) providing consistency and fairness across Title IX cases and between Title IX cases and Community Standards.

The Sanctions Panel will use the ATIXA 2018 Whitepaper: *The ATIXA Guide to Sanctioning Student Sexual Misconduct Violations*, best practices, and consistency with Pine Manor College's Community Standards process as a guide for sanctioning. Potential sanctions, individually or in combination, are listed below under "Potential Sanctions." Where appropriate, the statement of the sanction should include the duration, any conditions to be observed during that period, and the conditions for termination of the sanction.

The Sanctions Panel will use consensus for confirming the sanctions issued; however, when the Sanctions Panel cannot reach consensus, they will utilize a majority vote where each person has one vote.

In the event, through the investigative process, that a determination of physical violence and/or penetration has occurred, the sanctions will result in suspension, expulsion or dismissal from the College.

Within two (2) business days of the Sanctions Panel meeting, the Title IX Coordinator will issue the Sanction letters. The letter will include advising the respondent, in writing, of the sanctions imposed and advising the claimant of the

sanctions imposed, in accordance with applicable law. This communication will also inform the Individuals of their rights of appeal. The Title IX Coordinator will deliver communication via email and/or hard copy of the Panel's findings. Students who receive the hard copy will get it sent to their current physical address if on-campus or to the student's home address (based on PMC records) if off-campus.

Sanctions Panel

The Sanctions Panel consists of 2-3 Pine Manor College community members that receive training on the sanctioning process. No person on the Panel will have reporting responsibilities to another person on the Panel. The Panel is co-lead by two community members who serve in the co-leader role for a maximum of 3 academic years. For each case, the Panel will consist of *at least* one co-leader and one member, all of whom have received appropriate training. The Director of Restorative Practices and Community Standards serves as a sitting member to ensure consistency between Title IX and community standards cases. Questions or concerns raised by the Sanctions Panel should be directed to the Title IX Coordinator.

In the event that the Director of Restorative Practices and Community Standards cannot sit on the Panel, the Dean of Student Affairs can recommend another person familiar with recent community standards and restorative justice cases to participate.

Potential Sanctions

- *Disciplinary Warning* – a behavioral warning to the respondent. No follow-up actions are typically

required, and nothing is noted in the College's student's records.

- *Disciplinary Probation* – a hold on students' accounts for a determined period, which may limit students' participation in activities and awards and cause for more severe sanctions if future cases arise in the probation period.
- *Suspension from the College or residence halls* – a finite time, effective immediately, where students are not allowed on campus and/or in the residence halls as a residential student or guest. Restrictions during this time include No Trespass Orders either onto campus and/or in the residence halls. Students suspended in the middle of a semester will receive withdrawals, "W," on their transcript for that given semester.
- *Deferred suspension from the College or residence halls* – a suspension (see above) that does not start immediately.
- *Expulsion from the College or residence halls* – an infinite time, effective immediately, where students are permanently withdrawn from the College and not allowed on campus and/or in the residence halls as a residential student or guest. Students expelled in the middle of a semester will receive withdrawals, "W," on their transcript for that semester and not considered for re-admission to the College.
- *Deferred expulsion from the College or residence halls* – an expulsion (see above) that does not start immediately.

- *Denial of graduation, diploma, and/or degree* – Students may not participate in graduation, receive their diploma, and/or receive their degree from the College.
- Revocation or withdrawal of degree previously credited, awarded, and/or conferred – when the College revokes previously awarded degrees and/or diplomas.
- *Restitution* – when the person must financially reimburse the College and/or designated individuals/groups for damages, loss, or costs incurred by the College or other party.

Informal Resolution/Restorative Process -

Pine Manor College recognizes that it is important to take into account the needs of students, some of whom may prefer not to go through an investigative resolution. Informal Resolution is a voluntary process within Pine Manor College's Title IX Policy. Informal Resolution is a voluntary, remedies-based, structured interaction between or among affected parties that balances support and accountability without formal disciplinary action against a Respondent.

- Informal resolution is generally designed to allow a respondent to acknowledge harm and accept responsibility for repairing harm (to the extent possible) experienced by the claimant and/or the College community. Informal Resolution is designed to eliminate the prohibited conduct, prevent its recurrence, and remedy its effects in a manner that meets the needs of the claimant while maintaining the safety of the campus community.

- At Pine Manor College, our informal resolution process is based on the principles of Restorative Justice and the Restorative Process. The Restorative Process is a philosophical approach that embraces the reparation of harm, healing of trauma, reconciliation of interpersonal conflict, and reintegration of people who have been marginalized through participatory learning and improved decision-making skills. Rather than focusing on what policies have been violated, Restorative Processes instead identify who has been harmed and what actions are necessary to repair the harm.
- The informal resolution process will only be used at the request and agreement of both the reporter and respondent under the direction of the Title IX Office.

Admitted Responsibility

If the respondent admits responsibility of the sexual misconduct stated in their allegation letter, the respondent and claimant may choose to stop the full investigation and proceed to the findings protocol, impact statements, and sanctioning.

If all involved individuals/groups agree to terminate the full investigation, the Title IX Investigator will submit their report based on facts obtained as of the date the investigation ended. In this case, the respondent also forfeits their right to the appeal process.

Sanction Oversight

In the event of suspensions and expulsions from the College, the Title IX Coordinator will oversee the sanctions as outline by the

Sanction Panel and coordinate the leave with the Division of Student Affairs. In all other cases (non-suspension and expulsion), the Division of Student Affairs will oversee the sanctions as outlined by the Sanction Panel and keep the Title IX Coordinator informed appropriately.

Withdrawal of Respondent from PMC College

During an open investigation, a respondent may not voluntarily withdraw from the College.

Re-entry Circle

As Pine Manor College works towards being more restorative, PMC Community members that return from a suspension must participate in a re-entry circle to finalize

their sanction. The re-entry circle provides respondents and community members who were harmed and/or involved in the case the opportunity to hear from respondents on how they processed the findings and incident during their time off campus and reflect on the support the respondent needs from the PMC community to be a productive, engaged member upon their return.

A successful re-entry circle is contingent to respondents return from suspension. If respondents do not physically and/or emotionally participate in the re-entry circle, the Title IX Coordinator and Deputy may deem that the respondents are not ready to return to campus.

OFF-CAMPUS RESOURCES

Emergency Assistance

Brookline Police Department

350 Washington Street

Brookline, MA 02445

Emergency: 911

Non-emergency: (617) 730-2222; Domestic Violence Unit: (617) 730-2244

Non-Emergency Assistance

The organizations listed below are off-campus medical and community support services. The services they offer are privileged to their clients; therefore, conversations between the organization's volunteers/employees and students are not shared with Pine Manor College.

Beth Israel Deaconess Medical Center (Hospital)

Rape Crisis Intervention Program

330 Brookline Avenue

Boston, MA 02215

617-667-4645

Request a Sexual Assault Nurse Examiner (S.A.N.E)

Brigham and Women's Hospital

75 Francis Street

Boston, MA 02115

617-732-5636

Request a Sexual Assault Nurse Examiner (S.A.N.E)

Boston Area Rape Crisis Center (BARCC)

99 Bishop Allen Drive
Cambridge, MA 02139
800-841-8371 (24-hour hotline)
www.barcc.org

BARCC provides counseling, legal advice, and advocacy to help survivors/victims consider their options; medical advocates to accompany survivors/victims to the hospital; and legal advocacy. All services are free and available to survivors/victims of sexual misconduct and their friends and family.

SafeLink

(877) 785-2020 (24-hours); (877) 521-2601 (TTY & 24-hours)
Massachusetts statewide domestic violence hotline and is operated by Casa Myrna Vazquez, Inc. in Boston. SafeLink calls are answered by trained advocates 24 hours a day in English and Spanish, and they have the capacity to provide multilingual translation in more than 140 languages.

The Network/La Red

989 Commonwealth Avenue
Boston, MA 02114
(617) 742-4911
www.tnlr.org

The Network/La Red provides free advocacy, support, and safety planning for LGBTQ claimants of intimate partner violence.

REACH: Beyond Domestic Violence

Waltham, MA 02454
(800) 899-4000 (free hotline); (781) 891-0724 (office)
www.reachma.org

Reach Beyond Domestic Violence provides free safety planning, advocacy, 24-hour hotline staffed by domestic violence crisis counselors, and shelter and support services to claimants of intimate partner violence.

Fenway Health Center

1340 Boylston Street
Boston, MA 02215
(617) 267-9001 (help line); (617) 267-0900
www.fenwayhealth.org

Fenway Health Care provides comprehensive health services for the LGBTQ community and beyond.

Victims Right Law Center

115 Broad Street

Boston, MA 02110

(617) 399-6720

www.victimrights.org

The Victims Right Law Center provides free legal counsel to represent individuals on court-ordered no contact orders, school-based complaints, immigration, and other legal matters related to sexual assault and violence. Assistance is available in both English and Spanish.

SECTION VII: OBLIGATION OF COLLEGE TO REPORT SEXUAL MISCONDUCT

The College has a legal duty to report certain incidents based on federal laws within the College's Annual Security Report. The Dean of Student Affairs compiles the reported data once a year with records from Campus Safety and the Title IX Coordinator. In the report, only numbers of reported violations of sexual misconduct are reported; names and details of the incident(s) are not reported and remain confidential.

SECTION VIII: ON-CAMPUS EDUCATION, WORKSHOPS, AND AWARENESS

The Division of Student Affairs and the Director of Human Resources work collaboratively with the Title IX Coordinator to provide training, education, and resources to the student and employee community concerning sexual harassment and misconduct. Pine Manor College addresses training and education on sexual harassment and misconduct throughout the year, including:

- Orientation/Welcome Week,
- Ongoing educational programming and workshops,
- Tabling throughout the semester, and
- Student Leadership Training.

Pine Manor College provides training to the campus community on the following topics:

- Updated Title IX policy & process changes,
- Title IX team member training,
- Bystander intervention,
- Responding to reports and disclosures,
- Reporting disclosures and the role of a responsible employee, and,
- On and off-campus privileged, confidential, private, and non-confidential resources.

Recent training materials will be available and posted on the Institution's website.

SECTION IX: RECORD KEEPING

The Institution must maintain for a period of seven (7) years records of:

- Each sexual harassment investigation including any determination regarding responsibility,
- Any audio or audiovisual recording or transcript,
- Any disciplinary sanctions imposed on the respondent,
- Any remedies provided to the complainant designed to restore or preserve equal access to the Institution's education program or activity,
- Any supportive measures taken in response to a report or formal complaint of sexual harassment
- Any appeal and the result therefrom, and
- Any informal resolution and the result therefrom

Documentation should also include:

- The measures taken were designed to restore or preserve equal access of the parties to the Institution's education program or activity; and,
- That the response by the Institution was handled in a manner that was reasonably responsive and not deliberately indifferent.

**APPENDIX A: SUMMARY OF REPORTING PROCESS FOR SEXUAL
HARASSMENT AND MISCONDUCT VIOLATIONS**

Please refer to the document entitled “Overview of the Reporting, Grievance and Investigation Process” for a step-by-step description of the steps the College takes in managing incidents of sexual harassment or other sexual misconduct.

**APPENDIX B: RESOURCES FOR STUDENTS WHEN A
SEXUAL MISCONDUCT VIOLATION OCCURS**

ON-CAMPUS RESOURCES

Emergency Assistance, Available 24/7

Pine Manor College Campus Safety

(617) 731-7777 (emergency line)

(617) 731-7187

Front booth along College driveway

Sexual Misconduct Violation Assistance and Support

Title IX Coordinator;

Shelley Dropkin; Ferry Building, 1st Floor

sdropkin@pmc.edu or titleIX@pmc.edu

Title IX Deputy & Dean of Student Affairs

Lisa Rodrigues

Ashby Campus Center, 2nd Floor

TitleIX@pmc.edu or lrodrigues@pmc.edu;

617-731-7136

In addition, all PMC employees, especially within the Division of Student Affairs, are available to support students.

Confidential Resources and Support

College Counselors; Accessibility Services Coordinator

Ashby Campus Center, 2nd Floor; Donna Defuria

wellness@pmc.edu; Ashby Campus Center, 2nd Floor

(617) 731-7178, ddefuria@pmc.edu

Off-campus resources

Emergency Assistance, Available 24/7

Brookline Police Department

350 Washington Street

Brookline, MA 02445

Emergency: 911; Non-emergency: (617) 730-2222

Domestic Violence Unit: (617) 730-2244

Medical Assistance

Beth Israel Deaconess Medical Center,

330 Brookline Avenue,

Boston, MA 02115,

617-667-4645,

Request a Sexual Assault Nurse Examiner

Brigham and Women's Hospital

75 Francis Street

Boston, MA 02215

617-732-5636

Request a Sexual Assault Nurse Examiner

Emotional Assistance

Boston Area Rape Crisis Center (BARCC)

(800) 841-8371 (24-hour hotline)

www.barcc.org

Fenway Health Center

(617) 267-9001 (help line)

www.fenwayhealth.org

SafeLink

(877) 785-2020 (24-hours)

REACH: Beyond Domestic Violence

(800) 899-4000 (free hotline)

(877) 521-2601 (TTY & 24-hours)

www.reachma.org

The Network/La Red

(617) 742-4911,

www.tnlr.org

Victims Right Law Center

(617) 399-6720

www.victimrights.org