

## SEXUAL MISCONDUCT/TITLE IX POLICY

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## **Prohibition of Sexual Misconduct**

HCHC strives to provide a learning and campus environment free from all forms of sexual misconduct. HCHC accordingly prohibits conduct which constitutes sexual harassment, sexual assault and violence, dating violence, domestic violence, and stalking as those terms are defined below.

In support of this commitment, HCHC takes steps to increase awareness of such misconduct, eliminate its occurrence on campus, provide support for survivors, diligently investigate all reports of sexual misconduct, and deal fairly and firmly with offenders. Creating a safe campus environment and a culture of respect is the shared responsibility of all members of the HCHC community, individually and collectively.

This sexual misconduct policy (the “Policy”) is adopted by HCHC in compliance with Title IX, the Clery Act, and other applicable laws.

As described in more detail below, in this Policy “sexual misconduct” is intended to refer to a broad range of conduct focused on sex and/or gender that may or may not be sexual in nature. Sexual harassment, sexual assault, sexual exploitation, stalking, and relationship violence are all forms of sexual misconduct prohibited by law and this Policy.

## **Scope of the Policy**

This Policy is intended to provide the HCHC community with a clearly articulated set of behavioral standards, and definitions of prohibited conduct and key concepts. The Policy applies to all community members, including students, faculty, staff, affiliates, visitors, applicants for admission or employment, and independent contractors. Vendors and others who conduct business with the HCHC or on school property are also expected to comply with this Policy. The Policy applies regardless of a person’s gender, gender identity, gender expression, sexual orientation, age, race, nationality, class status, religion, or other protected status.

This Policy applies both to on-campus and off-campus conduct if (i) the conduct was in connection with an HCHC or HCHC-recognized program or activity, or (ii) the conduct may have the effect of creating a hostile environment for a member of the HCHC community. In the Policy below, we have provided a list of on-campus resources available to those affected by sexual misconduct and the extent to which such resources have reporting obligations or may maintain the confidentiality of a report of sexual misconduct. The procedures described below, in conjunction with the Disciplinary Procedures outlined in the Student and Faculty Handbooks describe the investigation and disciplinary process.

## **Notice of Non-Discrimination**

HCHC is committed to establishing and maintaining an environment free of all forms of discrimination and harassment for all members of the College community. HCHC prohibits discrimination against any person on the basis of race, color, religion, sex, age, national origin, physical or mental disability, sexual orientation, gender identity or expression, genetic information, military service, or because of marital, parental, veteran status, or any other protected class.

HCHC does not discriminate on the basis of sex in its educational, extracurricular, athletic, or other programs, or in the context of employment. Sexual misconduct, including sexual harassment as defined in this Policy, is a form of sex discrimination prohibited by Title IX of the Education Amendments of 1972. Sex discrimination is also prohibited under Title VII of the Civil Rights Act of 1964, Massachusetts General Laws Chapter 151B, and other applicable statutes.

## **Coordination with HCHC's Non-Discrimination Policy**

HCHC recognizes that discrimination and harassment related to a person's sex can occur in connection with misconduct related to a person's sexual orientation, gender identity, or gender expression, race, color, ethnicity, national origin, religion, age, disability, or other protected class. Targeting a person on the basis of these characteristics is also a violation of state and federal law and College policy. Under these circumstances, HCHC will endeavor to coordinate the investigation and resolution efforts of sexual misconduct complaints with the investigation and resolution of complaints of discrimination or harassment based on other protected classes.

## **Sexual Misconduct Definitions**

“Sexual misconduct” is a broad, non-legal term that encompasses a wide range of behaviors, including but not limited to, sexual harassment, sex/gender discrimination, sexual assault, rape, acquaintance rape, stalking, and relationship violence (including dating and domestic violence). It is a violation of HCHC policy as well as applicable law to commit or to attempt to commit these acts.

Sexual misconduct can occur between strangers or acquaintances, or people who know each other well, including between people who are or have been involved in an intimate or sexual relationship. It can be committed by anyone, regardless of gender or gender identity, and can occur between people of the same or different sex or gender. This Policy prohibits all forms of sexual misconduct.

## **Sexual Harassment:**

Sexual Harassment is unwelcome conduct of a sexual nature that has the effect of creating a hostile or stressful living, learning, or working environment, or whenever toleration of such conduct or rejection of it is the basis for an academic or employment decision affecting an

individual. Conduct is considered “unwelcome” if the person did not request or invite it and considered the conduct to be undesirable or offensive.

Sexual harassment includes any conduct or incident that is sufficiently serious that it is likely to limit or deny a student’s ability to participate in or benefit from HCHC’s educational programs or a faculty or staff member’s ability to work, which may include a single incident of sexual assault or other serious sexual misconduct.

Sexual harassment includes, but is not limited to, unwelcome sexual conduct when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s education or participation in HCHC programs or activities.
- submission to or rejection of such conduct by an individual is used as the basis for decisions pertaining to an individual’s education or participation in HCHC programs or activities.
- such conduct has the purpose or effect of interfering with an individual’s educational performance; or creating an intimidating, hostile or offensive learning environment; or interfering with one’s ability to participate in or benefit from an educational program or activity. Unwelcome sexual innuendo, propositions, sexual attention, or suggestive comments and gestures.
- Unwelcome physical contact of a sexual nature, such as touching, hugging, kissing, patting, or pinching, that is uninvited and unwanted or unwelcome by the other person.
- Humor and jokes about sex or gender-specific traits; sexual slurs or derogatory language directed at another person’s sexuality or gender.
- Insults and threats based on sex or gender; and other oral, written, or electronic communications of a sexual nature that a person communicates are 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; the circulation, display, or creation of e-mails or Web sites of a sexual nature.
- Non-academic display or circulation of written materials or pictures degrading to a person(s) or gender group.
- Unwelcome attention, such as repeated inappropriate flirting, inappropriate or repetitive compliments about clothing or physical attributes, staring, or making sexually oriented gestures.
- Change of academic or employment responsibilities (increase in difficulty or decrease of responsibility) based on sex, gender identity or expression, or sexual orientation.
- Use of a position of power or authority to: (i) threaten or punish, either directly or by implication, for refusing to tolerate harassment, for refusing to submit to sexual activity, or for reporting harassment; or (ii) promise rewards in return for sexual favors.

- Acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping.

### **Sexual Violence:**

Sexual violence is a form of sexual harassment and it includes rape, sexual assault, sexual battery, and sexual coercion. Sexual coercion is the act of using pressure or force to have sexual contact with someone who has already refused.

### **Sexual Assault (including Rape):**

Sexual assault is also a form of sexual harassment, and it includes any type of actual or attempted sexual activity perpetrated against a person's will, where that person does not give clear and voluntary consent or where the person is incapable of giving consent due to drug or alcohol use or due to intellectual or other disabilities. Sexual assault includes, but is not limited to:

- Intentional touching of another person's intimate parts without that person's consent; or
- Other intentional sexual contact with another person without that person's consent; or
- Coercing, forcing, or attempting to coerce or force a person to touch another person's intimate parts without that person's consent; or
- Rape, which is penetration, no matter how slight, of (1) the vagina or anus of a person by any body part of another person or by an object, or (2) the mouth of a person by a sex organ of another person, without that person's consent.

### **Dating/Relationship Violence:**

Dating violence is abuse, violence or intentionally controlling behavior committed by a person who is or has been in a romantic or intimate relationship with the victim. Whether there was such a relationship will be gauged by its length, type, and frequency of interaction. Elements of dating violence include: (i) battering that causes bodily injury; (ii) purposely or knowingly causing reasonable apprehension of bodily injury; (iii) emotional abuse creating apprehension of bodily injury or property damage; (iv) repeated telephonic, electronic, or other forms of communication — anonymously or directly — made with the intent to intimidate, terrify, harass, or threaten. Relationship violence can occur in all type of relationships (e.g., heterosexual, same sex, or any other type of relationship).

### **Domestic Violence:**

Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, or by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the state of Massachusetts.

Individuals who are victims of domestic abuse in Massachusetts may seek an abuse prevention order, also known as a “restraining order” or “209A order,” in addition to pursuing criminal charges and charges through the student conduct system, if the offender is an HCHC student. For more information on Massachusetts law, see

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

### **Stalking:**

The term “stalking” means a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or to suffer substantial emotional distress. This includes the use of technology to pursue, harass, threaten, intimidate, or otherwise make unwelcome contact with another person. Stalking may involve people who are known to one another, romantic relationship, or may involve people not known to one another.

Stalking is prohibited by Massachusetts law. Examples include, but are not limited to: following a person; appearing at a person’s home, class, or work; making frequent phone calls, emails, text messages; continued contact after receiving requests not to; or other threatening, intimidating, or intrusive behavior.

### **Sexual Exploitation:**

Sexual exploitation involves taking sexual advantage of another person and includes, without limitation: indecent exposure; causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over him or her; causing the prostitution of another person; recording, photographing, or transmitting images of private sexual activity and/or the intimate parts of another person without consent; observing or allowing third parties to observe private sexual acts or otherwise violating a person’s sexual privacy without consent; and knowingly or recklessly exposing another person to a significant risk of sexually transmitted infection.

### **Consent:**

Sexual activity requires consent, which is defined as positive, unambiguous, and voluntary agreement to engage in specific sexual activity throughout a sexual encounter. Consent cannot be inferred from the absence of a “no”; a clear “yes,” verbal or otherwise, is necessary. Consent to some sexual acts does not imply consent to others, nor does past consent to a given act imply present or future consent. Consent must be ongoing throughout a sexual encounter and can be revoked at any time. There is no consent when there is force, expressed or implied, or when coercion, intimidation, threats, or duress is used. Consent cannot be obtained from someone who is asleep or otherwise mentally or physically incapacitated, whether due to alcohol, drugs, or some other condition. A person is mentally or physically incapacitated when that person lacks the ability to make or act on considered decisions to engage in sexual activity. Engaging in sexual activity with a person whom you know – or reasonably should know – to be incapacitated constitutes sexual misconduct. The impact of alcohol and drugs varies from person to person; however, warning signs of possible incapacitation include slurred speech, unsteady gait, impaired coordination, inability to perform personal tasks such as undressing, inability to

maintain eye contact, vomiting, and emotional volatility. Whether a person has taken advantage of a position of influence over another person may be a factor in determining consent.

### **Effect of drugs and alcohol on consent**

Individuals should be aware of, and carefully consider, the potential consequences of the use of alcohol or drugs. Alcohol and other drugs can lower inhibitions and create an atmosphere of confusion over whether consent is freely and affirmatively given. If there is a question about whether someone consented to sexual activity after consuming drugs or alcohol, HCHC will examine the issue from the perspective of a reasonable person. Specifically, HCHC will consider whether the respondent reasonably should have known about the impact of alcohol and other drugs on the complainant's ability to give consent.

### **Title IX Coordinator**

HCHC has designated the Associate Dean of Student Life as its Title IX Coordinator to oversee complaints brought forward under this policy. That position is currently being filled. The Interim Title IX Coordinator can be contacted regarding any Title IX issues until the position of Associate Dean of Student Life is filled.

Interim Title IX Coordinator  
Rev. Dn. Gary Alexander  
Director of Strategic Planning, Initiatives, and Partnerships  
(617) 850-1322

### **Reporting Incidents of Sexual Misconduct**

Individuals are encouraged to report alleged incidents of sexual misconduct immediately, whether they are a victim or observer of an incident, in order to maximize HCHC's ability to respond promptly and effectively by taking steps to end the behavior, prevent its recurrence, and address its effect. Incidents can be reported to the following individuals by telephone, email, or in-person during normal business hours:

**Interim Title IX Coordinator**  
Rev. Dn. Gary Alexander  
Director of Strategic Planning, Initiatives, and Partnerships  
(617) 850-1322

**Office of Student Life**

Rev. Fr. Antonios Papathanasiou  
Dean of Students  
(617) 850-1297

**Campus Housing and Security**

Kevin Derrivan  
(617) 850-1222

**Office of Spiritual Formation and Counseling Services**

Rev. Fr. Nicholas Krommydas  
Pastoral Care Director  
(617) 850-1289

Faculty and staff may report incidents to the Title IX Coordinator or any Deputy Title IX Coordinator, a supervisor, a Dean, or a department head. In general, when one of these offices receives a report, HCHC must commence an investigation. All reports of such incidents will be disclosed to the Title IX Coordinator.

HCHC recognizes that student complainants may be most comfortable disclosing sexual misconduct to a College employee they know well, such as a faculty member or resident adviser (“RA”). Students are welcome to speak with them, but should understand that these individuals are considered “responsible employees” (other than the confidential resources identified below), and if responsible employees receive a report of sexual misconduct, they are required to inform the Title IX Coordinator about the incident. HCHC defines a “responsible employee” to include supervisors and officials with significant responsibility for student and campus activities including, but not limited to, academics, student residences, discipline, and campus safety. Employees whose positions legally require confidentiality (e.g., counseling staff and clergy) are not “responsible employees.”

Before a student discloses an incident of sexual misconduct, HCHC faculty and staff will try to ensure that the student understands the employee’s reporting obligations — and, if the student wishes to maintain confidentiality, direct the student to confidential resources. Similarly, before a faculty or staff member discloses an incident of sexual misconduct, the person to whom the disclosure is to be made will endeavor to ensure that the faculty or staff member understands his or her reporting obligations. Below, we have identified the confidential resources available to students, faculty, and staff who do not wish to file a complaint or trigger an investigation, or who would like to better understand their options.

## **Privacy**

HCHC wants all community members to seek the assistance they need without fear that the information they provide will be shared more broadly than they would like. All reports of sexual misconduct will be handled confidentially to the extent allowed by law. Even when College employees have an obligation to report sexual misconduct, they will protect and respect an individual's privacy to the greatest extent possible and share information only on a need-to-know basis. The information reported will only be shared with HCHC employees who will be assisting in the investigation and/or resolution of the complaint. HCHC's ability to make a meaningful investigation and take corrective action may be limited if an individual insists on complete confidentiality.

## **Requesting Confidentiality: How HCHC Will Weigh the Request and Respond**

In some cases, HCHC may not be able to honor a confidentiality request in order to adhere to its obligation to provide a safe, non-discriminatory environment for the HCHC community. If a report of sexual misconduct discloses an immediate threat to the HCHC community, where timely notice must be given to protect the health or safety of the community, HCHC may not be able to maintain the same level of confidentiality. Immediately threatening circumstances include, but are not limited to, reported incidents of sexual misconduct that included the use of force, a weapon, or other circumstances that represent a serious and ongoing threat to students, faculty, staff, or visitors. If the Title IX Coordinator determines that the HCHC cannot maintain a complainant's confidentiality, the Title IX Coordinator will inform the complainant prior to starting an investigation and will only share information with those officials responsible for handling the investigatory response.

When weighing a request that no investigation be pursued or the complainant's identity not be disclosed, the Title IX Coordinator will consider a range of factors, including:

- Whether the respondent is likely to commit additional acts of sexual or other violence, such as:
  - Whether there have been other sexual misconduct complaints about the same respondent;
  - Whether the respondent has a history of arrests or records from a prior school indicating a history of violence;
  - Whether the respondent threatened further sexual misconduct or other violence against the complainant or others; and
  - Whether the sexual misconduct was committed by multiple respondents.
- The sexual misconduct was perpetrated with a weapon;
- The complainant is a minor;
- The respondent is an HCHC employee;
- HCHC possesses other means to investigate the sexual misconduct (e.g., security cameras or personnel, physical evidence); or
- The complainant's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular person or group.

The presence of one or more of these factors could lead HCHC to investigate and, if appropriate, pursue conduct action against the respondent. If none of these factors are present, HCHC will likely respect the complainant's request.

### **Confidential and Privileged Resources**

Incidents may be reported confidentially to the Office of Spiritual Formation and Counseling Services. Mental health counselors are bound to professional standards regarding confidentiality, and will not reveal the identity of victims, unless there is an imminent safety concern or as otherwise required by law. These resources can explain options for obtaining additional support from HCHC and off-campus resources. These resources can also arrange for medical care and accompany complainants, or arrange for someone to accompany complainants, to seek such care. Students may use these resources to talk to someone about an incident of sexual misconduct in a confidential manner whether or not they decide to make an official report or to participate in HCHC complaint resolution process or the criminal justice system. Conferring with these resources will not trigger an investigation by HCHC or law enforcement. However, these offices are familiar with the College's complaint resolution processes, can explain what to expect, and can provide support while disciplinary or criminal processes are pending.

### **Retaliation Prohibited**

It is a violation of this policy and applicable laws to retaliate against or intimidate any individual who brings a complaint under this policy or who cooperates with or otherwise participates in the investigation or resolution of a complaint under this policy. HCHC will take steps to prevent retaliation and intimidation and will also take strong responsive action if HCHC determines that retaliation has occurred. Any such acts should be promptly reported to a Title IX coordinator. This Policy also applies to any allegation that a member of the community has attempted to prevent an individual from reporting sexual misconduct.

### **Campus and Community Resources and Support**

HCHC offers non-judgmental and confidential support through the Office of Spiritual Formation and Counseling Services to any party involved in a sexual misconduct incident.

HCHC encourages all community members affected by sexual misconduct to seek immediate assistance. Doing so promptly may be important to ensure the person's physical safety or to obtain medical care or other support. It may also be necessary to preserve evidence, which can assist HCHC and/or law enforcement in responding effectively.

HCHC encourages complainants to pursue criminal action for incidents of sexual misconduct that may also be crimes under Massachusetts law. In general, HCHC will notify the Boston or Brookline Police Department of allegations of sexual violence. HCHC will also assist a

complainant in making a criminal report and will cooperate with law enforcement agencies if a complainant decides to pursue the criminal process to the extent permitted by law. However, a complainant may also choose not to pursue criminal action, and under most circumstances, the Boston or Brookline Police Department will not force a complainant to pursue criminal charges if he or she is not willing to do so.

### **Evidence Collection and Medical Treatment**

Sexual Assault Nurse Examiners (SANEs) are specially trained nurses who provide immediate, compassionate, and comprehensive medical-legal evaluation and treatment.

- Beth Israel Deaconess Medical Center ER (preferred hospital) 617-754-2323
- Brigham and Women's Hospital ER 617-732-5636

### **Counseling and Support**

- Boston Area Rape Crisis Center

24-hour hotline: 800-841-8371

[www.barcc.org](http://www.barcc.org)

- Fenway Community Health Violence Recovery Program

617-927-6250

[www.fenwayhealth.org](http://www.fenwayhealth.org)

### **Domestic Violence Support and Advocacy**

- Jane Doe, Inc.

<http://www.janedoe.org/> 16 Reporting and Legal Support

- Greater Boston Legal Services

617-371-1234

<http://gbls.dbdes.info/our-work/family-law>

- Victim Rights Law Center

617-399-6720

[www.victimrights.org](http://www.victimrights.org)

### **Government Resources**

- Website for the White House Task Force to Protect Students From Sexual Assault:  
notalone.gov

## **Responding to Complaints of Sexual Misconduct**

HCHC, when appropriate, will conduct an investigation of the complaint. HCHC will endeavor to complete its investigation within sixty (60) calendar days. The investigation will include one or more interviews with the complainant, the respondent, and any witnesses. The investigation will include the gathering of any physical, documentary, or other relevant and available evidence.

As part of the investigation, HCHC will provide an opportunity for all parties to present written statements, identify witnesses and submit other evidence. A hearing may also be conducted pursuant to the Disciplinary Process outlined in the Student and Faculty Handbooks.

HCHC endeavors for the investigation, adjudication, and resolution of sexual misconduct complaints to be accessible, prompt, equitable, and impartial. Throughout this process, both the complainant and respondent have the following rights:

- To be treated with respect, dignity, and sensitivity.
- To receive appropriate support from HCHC.
- Privacy to the extent possible, consistent with applicable law and this Policy.
- Information about HCHC's Sexual Misconduct Policy.
- The presence of an Adviser throughout the process.
- To participate or to decline to participate in the investigation or complaint resolution process. However, a decision not to participate in the process either in whole or in part will not prevent the College from proceeding with the information available.
- A prompt and thorough investigation of the allegations.
- Adequate time to review documents following the investigation.
- To appeal the decision made or any sanctions imposed to the President.
- To challenge a hearing panel member(s) for a possible conflict of interest.
- To refrain from making self-incriminating statements.
- Notification, in writing, of the case resolution, including the outcome of any appeals.
- For the complainant, to report the incident to law enforcement at any time.

HCHC will disclose information about its investigation and resolution of sexual misconduct complaints only to those who need to know the information in order to carry out their duties and responsibilities. It will inform all HCHC personnel participating in an investigation, proceeding, or hearing that they are expected to maintain the privacy of the process. This does not prohibit either a complainant or respondent from obtaining the assistance of family members, counselors, therapists, clergy, doctors, attorneys, or other resources.

In most cases, the investigator will prepare a written report at the conclusion of an investigation. Before the report is finalized, the participating complainant and respondent will be given the opportunity to review their own statements and, to the extent appropriate to honor due process and privacy considerations, the participating complainant and respondent may also be provided with a written or oral summary of other information collected during the investigation. A complainant or respondent must submit any comments about their own statement, or on any investigation summary that might be provided, to the investigator within five (5) calendar days after that statement or summary was provided.

Following the receipt of any comments submitted, or after the five (5)-day comment period has lapsed without comment, the investigator will address any identified factual inaccuracies or misunderstandings, as appropriate, and then make a recommendation.

The investigator will present a report, including a summary of the investigation, the investigator's findings with respect to responsibility for conduct violations, and a summary of the investigator's rationale in support of the findings, to the Office of the Dean of Students as well as the Title IX Coordinator.

Upon the approval of the investigation report and findings, the Dean of Students or designee, will determine the appropriate sanction(s) and remedies if there is a finding of responsibility. Both parties will be notified in writing of the resolution of the investigation.

The disciplinary process is not subject to formal rules of court or evidence. For the disciplinary process, a student is not "found guilty" based on proving a case "beyond a reasonable doubt" as in criminal law but can be "held responsible" for an alleged violation of the sexual misconduct policy that is "more likely than not" to have occurred (referred to as the "preponderance of evidence" standard).

### **Information to the Complainant**

After receiving a report of sexual misconduct, the Title IX Coordinator will notify the complainant of the option to have an Adviser accompany him or her to any meeting or interview related to the complaint resolution process. The Coordinator will also:

- Provide the complainant with information regarding the Rights of the Complainant and Respondent.
- Explain the prohibition against retaliation.
- Explain the process for investigating and resolving a sexual misconduct complaint (including the available appeal procedures).
- Instruct the complainant not to destroy any potentially relevant documentation in any format.

- Give the complainant a copy of the relevant policies.
- Explain the availability of interim measures.
- Provide the complainant with a list of on-campus and off-campus support resources.

### **Information to the Respondent**

Unless the complainant requests and is granted confidentiality, the respondent will be notified in writing that a complaint alleging sexual misconduct has been filed against him or her. The respondent will be advised that he or she may have an Adviser accompany him or her to any meeting or interview related to the investigation and complaint resolution process.

Within seven (7) calendar days of receiving notice of the complaint, the respondent must arrange to meet with the Title IX Coordinator. At that meeting, the Coordinator will:

Provide the respondent with information regarding the Rights of the Complainant and Respondent.

- Provide the respondent with a copy of the complaint.
- Explain the prohibition against retaliation.
- Discuss the nature of the complaint.
- Explain the rights and responsibilities of the complainant and respondent.
- Explain the process for investigating and resolving the complaint (including the available appeal procedures).
- Instruct the respondent not to destroy any potentially relevant documentation in any format.
- Give the respondent a copy of the relevant policies.
- Provide the respondent with a list of on-campus and off-campus support resources.

If the respondent fails to meet or cooperate with the investigator, the investigation and resolution of the complaint will proceed without input from the respondent. If interim measures have been imposed, the Coordinator will explain the scope of those measures and the respondent's duty to comply with the interim measures.

After reviewing the complaint, the respondent may choose to end the complaint resolution process by accepting responsibility for the conduct alleged in the complaint. If the respondent accepts responsibility for the conduct alleged in the complaint, the Title IX Coordinator will determine an appropriate sanction for the respondent. If the respondent disputes the allegations of the complaint, the matter will proceed to an investigation.

At any point in the process, the respondent may accept responsibility for the conduct alleged in the complaint. In such cases, the Title IX Coordinator may impose sanctions for violations of the Sexual Misconduct/Title IX Policy.

## **Possible Remedies and Sanctions**

If the respondent is found responsible for sexual misconduct, HCHC will initiate a sanctioning process (as outlined in the Student or Faculty Handbook). Sanctions will be designed to eliminate a hostile environment, prevent further misconduct, promote safety, and deter students from similar future behavior. Certain behavior may be so harmful to the community that it may require serious sanctions, such as removal from HCHC housing, removal from specific courses or activities, suspension from the College, or dismissal from the institution.

As part of the sanctioning process, HCHC may require that existing interim remedies or administrative actions stay in place for a prescribed period of time. HCHC may also impose new remedies or administrative actions such as stay away orders, housing placement, or academic accommodations based upon the investigation and adjudication of the case.

A report of sexual violence (including non-identifying reports) may also prompt HCHC to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported sexual violence occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/victimization surveys; and/or revisiting policies and practices.

## **Interim Protections**

In addition to the sanctions contained in the Student or Faculty Handbook, the Title IX Coordinator may, at any time during the investigation or the processing of a complaint of sexual misconduct, recommend interim protections or remedies be provided by HCHC. Complainants may also submit requests for interim protections. HCHC may impose any measure that can be tailored to the parties involved to achieve the goals of this Policy. These protections and remedies may include (but are not limited to) separating the parties, placing limitations on contact between the parties, or making alternative workplace, housing, extracurricular, or academic arrangements where reasonable and feasible. The Title IX Coordinator will work with the appropriate office(s) to ensure that any necessary interim measures are promptly provided.

Failure to comply with the terms of interim protections may be considered a separate violation of this policy and a basis for disciplinary action. Outside of HCHC, a complainant may also be entitled to obtain remedies under applicable law, such as a judicial restraining order. The Title IX Coordinator can assist in contacting law enforcement or legal service organizations to learn about these remedies.

## **Effect of Criminal Proceedings**

The filing and processing of a complaint of sexual misconduct is separate from and independent of any criminal investigation or proceeding. HCHC may not wait for the conclusion of any criminal investigation or proceedings to begin its own investigation, although HCHC may delay temporarily the fact-finding component of the investigation while the police are gathering evidence. Neither law enforcement's determination as to whether or not to prosecute a

respondent nor the outcome of any criminal prosecution is determinative of whether sexual misconduct occurred under this Policy.

## **Notice**

The Title IX Coordinator will give the complainant and respondent, respectively, a written explanation of their rights and options, and any available accommodations, as soon as possible after a complaint is reported. The Title IX Coordinator will also ensure that both the complainant and respondent are updated throughout the investigative process, including timely notice of meetings where either the complainant's or the respondent's presence may be required, and the outcome of the investigation and/or disciplinary process.

## **Appeal Process**

Either party may appeal a disciplinary decision on the grounds that:

1. Fair consideration was not provided to the respondent (i.e., there is evidence that some aspect of the hearing was prejudicial, arbitrary or capricious).
2. New and significant information, not reasonably available at the time of the initial hearing, has become available.
3. The sanction or remedy imposed is not in keeping with the disciplinary guidelines outlined in the Student or Faculty Handbook.

Parties who wish to appeal a disciplinary decision should submit a letter of appeal to the President within three working days of the communication of the decision. The letter of appeal should outline the facts in the matter, the disciplinary decision, the rationale for why that decision is being appealed, and a list of persons the student wishes to participate in the appeal (if applicable). The President will generally request a meeting with the appellant and the person issuing the disciplinary decision to discuss the appeal, and may invite other persons, as he/she deems appropriate.

The President may appoint a committee to review the facts. The President serves as the final appellate level, and will issue a final sanction to all parties in writing.

\*\*\*\*(From Student Handbook)\*\*\*\*

## **Disciplinary Process**

For most infractions, the Dean of Students (or other appropriate administrator) will conduct an informal meeting – called a disciplinary conference – to discuss the infraction with the student and assign any sanctions. In the event that an infraction could lead to a removal from campus housing for longer than one week, suspension, or expulsion, the Dean of Students may, at his or her discretion, convene a disciplinary hearing that will include members of the faculty and staff, and the student may invite an advisor of their choice for advice and support. If the infraction

involves accusations by another member of the HCHC community, that member shall be given equal opportunity to participate in the hearing process and have the assistance of an advisor. During meetings and interviews, the Adviser may quietly confer or pass notes with the party in a non-disruptive manner. The Adviser may not intervene in a meeting or interview, or address the Investigator. Consistent with HCHC's obligation to promptly resolve complaints, HCHC reserves the right to proceed with any meeting or interview, regardless of the availability of the party's selected Adviser.

The student will be informed of the time and place of the hearing at least 48 hours in advance. HCHC may remove a student accused of serious misconduct from campus pending the result of a disciplinary hearing or utilize other interim measures, at the College's discretion. The policy of HCHC is to conduct closed hearings.

The disciplinary process is not subject to formal rules of court or evidence. (For example, a student is not "found guilty" based on proving a case "beyond a reasonable doubt" as in criminal law but can be "held responsible" for a violation that is "more likely than not" to have occurred.) A student is always given the opportunity to give his or her account of events and to present evidence and other witnesses in either disciplinary conferences or hearings.

A party may decline to participate in the investigative or complaint resolution process. HCHC may continue the process without the student's participation. In most cases, a refusal to participate in the investigative process will preclude a party from appealing any determination. The Dean of Students will make this determination.

### **Appeal Process**

Students may appeal a disciplinary decision on the grounds that:

1. Fair consideration was not provided to the student (i.e., there is evidence that some aspect of the hearing was prejudicial, arbitrary or capricious).
2. New and significant information, not reasonably available at the time of the initial hearing, has become available.
3. The sanction or remedy imposed is not in keeping with the disciplinary guidelines outlined in the Student Handbook.

Students who wish to appeal a disciplinary decision should submit a letter of appeal to the President within three working days of the communication of the decision. The letter of appeal should outline the facts in the matter, the disciplinary decision, the rationale for why that decision is being appealed, and a list of persons the student wishes to participate in the appeal (if applicable). The President will generally request a meeting with the student and the person issuing the disciplinary decision to discuss the appeal, and may invite other persons, as he/she deems appropriate.

The President may appoint a committee to review the facts. The President serves as the final appellate level, and will issue a final sanction to the student in writing.

Honesty, Integrity, and Trust are foundational qualities of Christian Life. In honoring this, students enrolled in both Hellenic College and Holy Cross Greek Orthodox School of Theology are entrusted with the duty to conduct themselves in a manner appropriate to this institution's mission and character, as a home of Christian education and spiritual development. Fulfilling this duty and respecting the repercussions of individual action upon the community atmosphere, which either build or diminish the Christian Spirit of these schools, all students are trusted with the obligation to refrain from acts which they know or, under the circumstance, have reason to know violate the academic integrity of this institution.