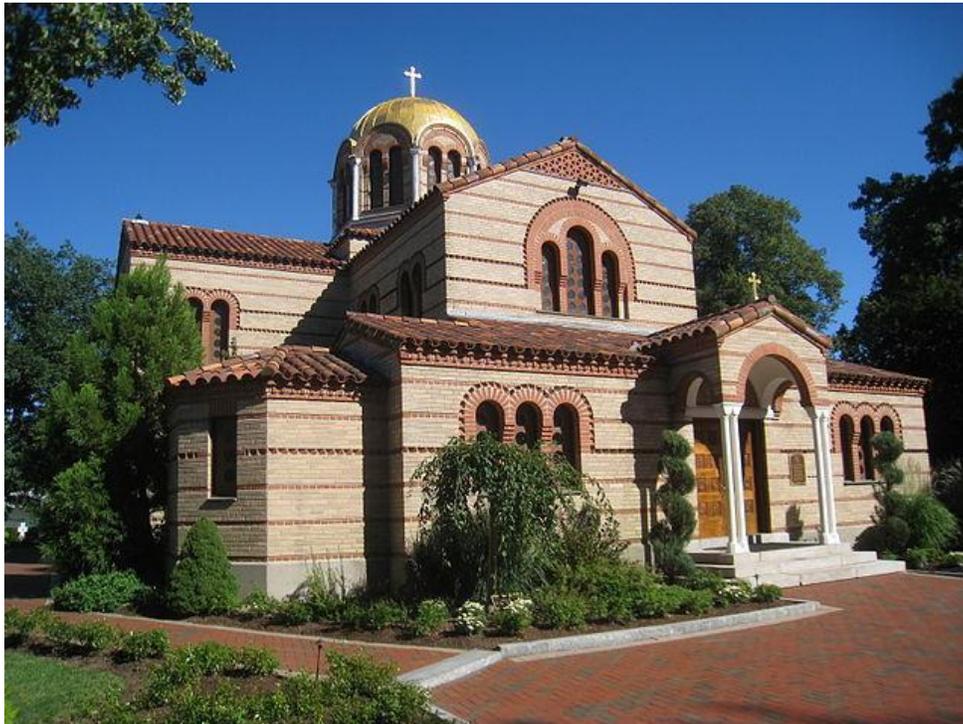




## **Title IX and Sexual Misconduct Policy**





## Hellenic College Title IX and Sexual Misconduct Policy

### **I. Prohibition of Sexual Misconduct**

HCHC strives to provide a learning and campus environment free from all forms of sexual misconduct. HCHC accordingly prohibits conduct that constitutes sexual harassment, sexual assault and violence, dating violence, domestic violence, stalking, and other forms of sexual misconduct as 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, deal fairly with accused individuals, 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.

### **II. Scope of 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.

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.

When an alleged violation of this Policy is reported, the allegations are subject to resolution using HCHC’s “Title IX Sexual Harassment Adjudication Process” or “Non-Title IX Sexual Misconduct Adjudication Process” as determined by the Title IX Coordinator or Deputy Title IX Coordinator, and as detailed in HCHC’s Title IX and Sexual Misconduct Adjudication Procedures.

### **III. 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.

#### **IV. 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.

#### **V. 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, 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.

##### **A. Title IX Sexual Harassment**

Sexual harassment is conduct on the basis of sex that satisfies one or more of the following: (i) An employee of the College conditioning the provision of an aid, benefit, or service of the college on an individual's participation in unwelcome sexual conduct, also known as *quid pro quo harassment*; (ii) 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 college's education program or activity, also known as *hostile environment harassment*; or (iii) Sexual assault, dating violence, domestic violence, or stalking, as defined below.

##### **1. Quid Pro Quo and Hostile Work or Learning Environment**

Sexual harassment is conduct on the basis of sex that satisfies one or both of the following:

- (i) An employee of the College conditions the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct (*quid pro quo*



*sexual harassment*); or

- (ii) 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 College's education program or activity (*hostile work or learning environment sexual harassment*).

Examples of quid pro quo and hostile work or learning environment sexual harassment may include, but are not limited to:

- Unwelcome sexual innuendos, 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 websites of a sexual nature.
- Non-academic display or circulation of written materials or pictures degrading to a person 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.
- Acts of sexual assault, dating violence, domestic violence, or stalking as defined below.

## **2. Sexual Assault**

Sexual assault is a form of sexual harassment that includes the following:



- **Rape:** non-consensual penetration no matter how slight, of any orifice (oral, anal, or vaginal) with a body part or object.
- **Indecent Assault and Battery:** non-consensual sexual contact that does not involve penetration of a bodily orifice.
- **Incest:** sexual activity between family members or close relatives.
- **Statutory rape:** sexual intercourse with an individual under 16 years old in Massachusetts.

### 3. Dating Violence

Dating violence means violence committed by a person who is or has been in a social relationship of an intimate nature with the victim. The existence of such a relationship will be determined based on: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.

### 4. 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 cohabiting with or has cohabited 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>.

### 5. Stalking

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (i) fear for their safety or the safety of others; or (ii) suffer substantial emotional distress.

Course of conduct means two or more acts, including, but not limited to, acts in which the a person 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. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

### B. Non-Title IX Sexual Harassment

The definition of non-Title IX sexual harassment mirrors the definition of Title IX sexual harassment included above in Section V(A) with one exception: while Title IX hostile work or learning environment sexual harassment requires that the sexual conduct be severe, pervasive, **and** objectively offensive, non-Title IX hostile work or learning environment sexual harassment



requires that the sexual conduct be severe **or** pervasive, and objectively offensive.

In addition, non-Title IX sexual harassment applies to circumstances where:

- The alleged misconduct occurred outside of the United States;
- The alleged misconduct did not occur in an educational program or activity controlled by HCHC (including buildings or property controlled by recognized student organizations);
- HCHC does not have control over the respondent; or
- At the time of filing a formal complaint, the complainant is not participating in or attempting to participate in HCHC's education program or activity.

In these instances, non-Title IX sexual harassment will be adjudicated under the Non-Title IX Sexual Misconduct Adjudication Process. In all other instances, allegations of sexual harassment will proceed under the Title IX Sexual Harassment Adjudication Process. Where a complainant alleges that both Title IX and non-Title IX sexual harassment have occurred, the entire matter will proceed in accordance with the Title IX Sexual Harassment Adjudication Process.

### **C. Other Sexual Misconduct Definitions**

#### **1. Sexual Coercion**

Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

#### **2. 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 them; 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.

#### **3. Online Harassment and Misconduct**

This Policy extends to online manifestations of any of the behaviors prohibited above, when those behaviors occur in or have an effect on HCHC's learning environment and activities or College networks, technology, or equipment.

Although HCHC may not control websites, social media, and other venues in which harassing communications are made, when such communications are reported to HCHC it will attempt to address and mitigate the effects.



Members of the community are encouraged to be good digital citizens and to refrain from online misconduct, such as feeding anonymous gossip sites, sharing inappropriate content via social media, unwelcome sexual or sex-based messaging, distributing or threatening to distribute revenge pornography, breaches of privacy, or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harm another member of the HCHC community.

#### **4. Consent**

Sexual activity requires consent, which is defined as affirmative, 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, or when a person is incapacitated, as defined below. Whether a person has taken advantage of a position of influence over another person may be a factor in determining consent. Consent is never present if an individual is under the legal age of consent, which is 16 in Massachusetts.

#### **5. Incapacitation**

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.

#### **6. Collateral Misconduct**

The resolution processes described in HCHC’s Title IX and Sexual Misconduct Adjudication Procedures may also be used to address collateral misconduct. This includes misconduct that arises from the investigation of, or occurs in conjunction with, reported sexual misconduct (e.g., vandalism, violation of a no contact order, etc.) All other allegations of misconduct unrelated to incidents covered by this Policy will be addressed through procedures described in the student, faculty, and staff handbooks.

#### **7. Complainant, Respondent, and the Parties**

The person filing a complaint of sexual misconduct is called the complainant. The person alleged to have committed the sexual misconduct is called the respondent. The respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the investigation and adjudication process. The complainant and respondent are collectively referred to as the parties.



## VI. Reporting 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, e-mail, mail, or in-person at any time:

### Title IX Investigator

Fr. Philip Halikias D.Min  
(617) 582-3216  
[phalikias@hchc.edu](mailto:phalikias@hchc.edu)  
50 Goddard Ave  
Brookline, MA

Dean of Student Life  
Fr. Patrick O'Rourke  
(617) 850-1297  
50 Goddard Ave.  
Brookline, MA

New England Campus Security  
617-322-6372

### Title IX Coordinator

Dn. Gary Alexander J.D M.Div.  
(617) 850-1297  
[galexander@hchc.edu](mailto:galexander@hchc.edu)  
50 Goddard Ave.  
Brookline, MA

Campus Housing  
Constandina Demos  
(615) 497-8920  
50 Goddard Ave.  
Brookline, MA

## A. Mandated Reporting

Faculty and staff may report incidents to the Title IX Coordinator or 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 or Deputy 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 advisor ("RA"). Students are welcome to speak with them but should understand that RAs are considered "mandated reporters." All HCHC employees who have the authority to institute corrective measures on behalf of the College are mandated reporters. These employees include the Title IX Coordinator, Deputy Title IX Coordinator, the Dean of Student Life, and Campus Housing and Security. Mandated reporters must promptly share with the Title IX Coordinator or Deputy Title IX Coordinator all known details of a report made to them in the course of their employment, including the identity of the parties.

Before a student discloses an incident of sexual misconduct, HCHC employees will try to ensure that the student understands their reporting obligations and if the student does not wish to report the allegation to the Title IX Coordinator, 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 their 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.

## **B. Confidential Resources**

Incidents may be reported confidentially to the Office of Spiritual Formation and Counseling Services. Disclosure to these individuals will not trigger an investigation into the complainant's allegations against the complainant's wishes.

Counseling and Spiritual Formation Counseling and Spiritual Formation

Ms. Betty Paganis (617) 850-1206 Dr. Robert Murray (617) 850-1205

Mental health counselors are bound to professional standards regarding confidentiality and will not reveal the complainant's identity to the Title IX Coordinator or Deputy Title IX Coordinator 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 the HCHC complaint resolution process or the criminal justice system. 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.

## **C. Other HCHC Employees**

HCHC employees who are not mandated reporters, or who are a confidential resource, may keep reports of sexual misconduct confidential, although HCHC encourages these individuals to assist those who report concerns to them regarding sexual misconduct. If you are unsure whether an HCHC employee is a mandated reporter, you should ask them before you share your concerns with them.

## **VII. Privacy/Information-Sharing**

### **A. Anonymous Reporting**

Anonymous reports will be investigated by the College to the extent possible; however, anonymous notice typically limits the College's ability to investigate, respond, and provide remedies, depending on what information is shared.

### **B. When a Complainant Does Not Wish to Proceed with an Investigation**

If a complainant wishes to remain anonymous or does not want a formal complaint to be pursued,



they may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with state or federal law.

The Title IX Coordinator has ultimate discretion over whether HCHC proceeds when the complainant does not wish to do so, and the Title IX Coordinator may sign a formal complaint to initiate a grievance process if a compelling threat to health or safety could exist.

When determining whether it is reasonable to believe that a compelling threat to health or safety could exist, 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;
- 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;
- 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.

In cases in which the complainant requests that no formal action be taken, and the circumstances allow the College to honor that request, the Title IX Coordinator will offer informal resolution options, supportive measures, and remedies to the complainant and the community, but will not otherwise pursue formal action.

### **VIII. 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. 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.

### ***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
- Any other hospital or medical facility with a SANE

### ***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://janedoe.org>

### ***Reporting and Legal Support***

- Greater Boston Legal Services, 617-371-1234, <https://gbls.dbdes.info/our-work/family-law>
- Victim Rights Law Center, 617-399-6720

### ***Government Resources***

- White House Task Force to Protect Students from Sexual Assault, [notalone.gov](http://notalone.gov)

## **IX. 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 reported promptly to the Title IX Coordinator or Deputy 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.

## **X. False Statements**

It is a violation of HCHC’s code of conduct to knowingly make a false statement or knowingly provide false information in connection with a report, investigation, or adjudication of sexual misconduct under this Policy. This prohibition does not apply to information or statements that are provided in good faith but are ultimately unsubstantiated. Students who violate this



prohibition may be subject to discipline as a collateral offense under this Policy or under the College's student conduct procedures.

## **Hellenic College Title IX and Sexual Misconduct Adjudication Procedures I.**

### **Overview/Introduction**

The following procedures apply to all reports and complaints of sexual misconduct brought against HCHC students and employees. These procedures provide information about resources, reporting options, and prompt and equitable resolution options. HCHC is committed to implementing these procedures in a manner that is consistent with applicable law and is fair and equitable for all participants.

In May 2020, the Department of Education issued new regulations governing schools' responses to certain types of sexual misconduct. Those regulations, which became effective August 14, 2020, require that all post-secondary institutions use specific procedures to address allegations of what the College refers to as "Title IX sexual harassment." Allegations of Title IX sexual harassment will be addressed by the Title IX Sexual Harassment Adjudication Process described in Section XIII. All other sexual misconduct allegations will be addressed by the Non-Title IX Sexual Misconduct Adjudication Process described in Section XIV. The remaining sections of these Procedures apply to both Title IX sexual harassment and non-Title IX sexual misconduct allegations.

### **II. Filing a Complaint**

To initiate HCHC's investigation and adjudication process, or to pursue informal resolution, a complaint must be filed. Anyone (including current and former students, faculty, staff, visitors, or alumni) who believes they have experienced sexual misconduct or harassment may file a complaint.

To initiate the investigative process, the complainant must submit a signed (digitally or physically), written complaint to the Title IX Coordinator or Deputy Title IX Coordinator. The complaint must contain sufficient information regarding the complainant's allegations to allow the respondent to understand the allegations and adequately respond to them, and for HCHC to initiate an investigation. The complaint must include the name of the respondent, if known; the date or approximate date of the alleged misconduct; and a description of the misconduct, including its

location. After receiving a complaint, the Title IX Coordinator or Deputy Title IX Coordinator will contact the complainant to request additional information if the complaint contains insufficient information regarding the allegations. If the investigation reveals other related allegations of instances of sexual misconduct that were not included in the complaint, the complainant will have the opportunity to amend the complaint to include these allegations.

HCHC may consolidate multiple complaints in situations that arise out of the same facts or circumstances and involve more than one complainant, more than one respondent, or what amounts to counterclaims by one party against the other. As described in Section V(C)(6) of the



College's Title IX and Sexual Misconduct Policy, the College may also choose to consolidate a complaint of sexual misconduct with an allegation of collateral misconduct.

In limited circumstances, the Title IX Coordinator may sign a formal complaint and initiate an investigation and adjudication process without the complainant's participation. In deciding what circumstances require an investigation, the Title IX Coordinator may consider a variety of factors as described in Section VII(B) of the College's Title IX and Sexual Misconduct Policy.

The Title IX Coordinator's decision to sign a formal complaint will generally occur only after the Title IX Coordinator has contacted the complainant to discuss the availability of supportive measures and explained the process for filing a formal complaint. If the Title IX Coordinator files a formal complaint, the complainant is invited, but not required, to participate in the investigation and adjudication process.

Other than the Title IX Coordinator, no third party can file formal complaints, but they can report sexual misconduct as described in Section VI of the College's Title IX and Sexual Misconduct Policy.

### **III. Supportive Measures**

The Title IX Coordinator or Deputy Title IX Coordinator may, at any time during the investigation or the processing of a complaint of sexual misconduct, recommend that the College provide supportive protections or remedies. The parties may also submit requests for supportive measures. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to HCHC's education program or activity, including measures designed to protect the safety of all parties or HCHC's educational environment, and deter harassment or retaliation.

HCHC may impose any measure that can be tailored to the parties involved to achieve the goals of the College's Title IX and Sexual Misconduct Policy and these Procedures. 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 or Deputy Title IX Coordinator will work with the appropriate office(s) to ensure that any necessary supportive measures are promptly provided. Failure to comply with the terms of any supportive measure may be considered a separate violation of the College's Title IX and Sexual Misconduct Policy and a basis for disciplinary action.

### **IV. Emergency Removal**

HCHC reserves the right to remove a respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal.

In all cases in which an emergency removal is imposed, the student will be given notice of the



action and the option to request to meet with the Title IX Coordinator or Deputy Title IX Coordinator prior to such action, or as soon thereafter as reasonably possible, to show cause why the removal should not be implemented or should be modified. The respondent may be accompanied by an advisor of their choice when meeting with the Title IX Coordinator or Deputy Title IX Coordinator for the show-cause meeting. The respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

If the show cause meeting is not requested within 10 business days of the removal, objections to the emergency removal will be deemed waived. Any decision to remove a student on an emergency basis may be appealed in writing to the Dean of Student Life, whose decision is final.

## **V. Notice of Alleged Violations**

The Title IX Coordinator or Deputy Title IX Coordinator will provide written notice of the investigation and allegations (the “NOIA”) to the respondent within seven (7) calendar days of receiving a complaint. The NOIA will include:

- A meaningful summary of all the allegations known at the time including the identity of the involved parties, the alleged misconduct, and date and location of the alleged misconduct;
- A description of the College policies implicated and applicable procedures, including that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence;
- A list of possible disciplinary actions and remedies that could result;
- An explanation of the burden of proof and a statement that HCHC presumes the respondent is not responsible for the reported misconduct unless and until a determination of responsibility is made at the conclusion of the resolution process;
- A statement about HCHC’s policy on retaliation;
- That each party may have an advisor of their choosing, who may be an attorney; and
- A statement informing the parties that the College’s Title IX and Sexual Misconduct Policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process.

Amendments and updates to the NOIA may be made if additional allegations of a Policy violation arise as the investigation progresses and more information becomes available.

The NOIA may be delivered either in-person or emailed to the parties’ College-issued email or designated accounts.

## **VI. Informal Resolution**

HCHC may permit the parties to engage in informal resolution of the complaint where the parties



are interested in pursuing informal resolution, and HCHC determines that the matter is appropriate for informal resolution. Informal resolution may only proceed with the voluntary, written consent of the parties. Informal resolution is not available to resolve allegations that an employee engaged in sexual misconduct with a student.

If an agreement acceptable to HCHC and the parties is reached through the informal resolution process, the terms of the agreement are implemented, and the matter is considered resolved and closed. The matter cannot later become the subject of a formal adjudication process. If an agreement is not reached and the Title IX Coordinator or Deputy Title IX Coordinator determines that further action is necessary, or if the respondent fails to comply with the terms of the agreement, the matter may be referred for a formal investigation. At any time prior to the conclusion of the informal resolution process, the parties may withdraw and pursue the standard investigative and adjudicative process described in Sections X - XIV of these Procedures. When one of the parties withdraws from the informal resolution process, or the process is terminated for any other reason, any party statements or disclosures made during the informal resolution process may be considered in a subsequent formal investigation.

Please contact the Deputy Title IX Coordinator with any questions about the availability of informal resolution options.

## **VII. Advisors**

The parties may each have an advisor of their choice present with them for all meetings, interviews, and hearings within the resolution process. The parties may select whoever they wish to serve as their advisor as long as the advisor is available. This person may be, but is not required to be, an attorney. If a party does not select their own advisor, HCHC will make an advisor available to them at no charge. Although the parties are not required to have an advisor present throughout most of the resolution process, each party must have an advisor present for the hearing described in Section XIII.

The parties may be accompanied by their advisor in all meetings and interviews at which the party is entitled to be present. A party is not obligated to use the same advisor throughout the resolution process and may elect to change advisors. The parties are expected to provide timely notice to the Title IX Coordinator or Deputy Title IX Coordinator if they change advisors.

The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the resolution process. Although the advisor generally may not speak on behalf of their advisee, the advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their advisors should ask for breaks to allow for private consultation.

As discussed further in Section XIII, an advisor may ask relevant questions of the other party and any witnesses during a Title IX sexual harassment adjudication hearing, provided the advisor complies with the hearing's procedural rules.



### **VIII. Withdrawal of Complaint**

Prior to a hearing, the complainant may withdraw their complaint. Although in some instances, withdrawal of the complaint will end the investigative process, HCHC may decide to move forward with a complaint in order to ensure the campus' safety. HCHC must inform both parties of its decision in a timely manner.

### **IX. Acceptance of Responsibility**

At any point in the resolution process, the respondent may accept responsibility for the conduct alleged in the complaint. If the respondent accepts responsibility for all of the conduct alleged in the complaint, the process may proceed directly to determination of sanctions, either through a hearing or informal resolution (with the voluntary, written consent of the parties).

### **X. Investigation**

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses, and obtaining available, relevant evidence. All relevant evidence obtained, including evidence that supports that the respondent engaged in a policy violation and evidence that supports that the respondent did not engage in a policy violation, will be evaluated objectively. Credibility determinations will not be based solely on an individual's status or participation as a complainant, respondent, or witness.

All parties will have a full and fair opportunity throughout the investigation process, to suggest witnesses and questions, to provide evidence, and to review and respond to evidence.

#### **A. Investigator**

At the outset of the resolution process, the Title IX Coordinator or Deputy Title IX Coordinator will appoint an Investigator to investigate the complainant's allegations. The Investigator will have specific training and experience investigating allegations of sexual misconduct, including training on how to determine issues of relevance, how to remain unbiased, the dynamics of sexual misconduct, the appropriate manner in which to receive and evaluate sensitive information, and the College's policies and procedures.

The Title IX Coordinator or Deputy Title IX Coordinator will also ensure that the Investigator has no actual or apparent conflicts of interest or disqualifying biases. The Investigator (and any individual involved in the resolution process including the Title IX Coordinator, Deputy Title IX Coordinator, Hearing Officer, or any person designated by the College to facilitate an informal resolution process) may not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator or Deputy Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Investigator will be assigned.



## **B. Investigation Process**

The Investigator will gather information from the parties and other individuals that may have relevant information regarding the complainant's allegations. The Investigator will take primary statements from the parties and ask follow-up questions. The Investigator may need to speak with the parties on more than one occasion during the course of the investigation.

The Investigator will also make a good faith effort to contact and interview any identified witnesses believed to have relevant information. The parties will have the opportunity to provide witness names to the Investigator; however, final decisions about whom to interview and what questions will be asked will be determined by the Investigator.

In addition, the Investigator will review any documents submitted by the parties, witnesses, and will determine whether to obtain other records or other information that may be relevant to the investigation. This includes, but is not limited to, police records, communications between the parties or witnesses, or other records containing potentially relevant information.

## **XI. Investigative Report and Responses**

### **A. Preliminary Investigative Report and Party Responses**

At the conclusion of an investigation, the Investigator will prepare a Preliminary Investigative Report summarizing the relevant information they collected. This may include summaries of interviews with the parties and witnesses and analysis of documentary evidence.

The parties will receive a copy of the Preliminary Investigative Report and any associated exhibits, as well as any evidence the Investigator has collected that is not part of the Preliminary Investigative Report. The parties may submit an initial written response to the Preliminary Investigative Report, or the information the Investigator has collected but has not been included in the Preliminary Investigative Report, within 10 business days after the Preliminary Investigative Report was provided to them.

### **B. Final Report**

Following the receipt of the parties' initial written responses, or after the 10-day comment period has lapsed without comment, the Investigator will address any identified factual inaccuracies or misunderstandings, as appropriate, and offer an assessment regarding the credibility of all testimony and the reliability of documentation in the Final Investigative Report. The Investigator will not make a determination as to whether or not a Policy violation occurred; that decision is reserved for the Hearing Officer.

At least 10 business days prior to a hearing, the Hearing Officer will send the parties and their advisors the Final Investigative Report for their review and provide them with an opportunity to submit a final written response. The parties' final written response, if any, must be provided to the Hearing Officer at least three days prior to the scheduled hearing.



## **XII. Determination of Hearing Process**

Provided that the complaint is not resolved through informal resolution, once the Final Investigative Report is shared with the parties, the Title IX Coordinator or Deputy Title IX Coordinator will refer the matter for a hearing.

If a complaint involves an allegation of Title IX sexual harassment, adjudication of the complaint will adhere to the Title IX Adjudication Process described in Section XIII. In cases involving allegations of both Title IX sexual harassment and non-Title IX sexual misconduct, the entire matter will be resolved through the Title IX Adjudication Process.

Under the following circumstances, a complaint will be dismissed for purposes of Title IX, and may be adjudicated using the Non-Title IX Sexual Misconduct Adjudication Process (described in Section XIV):

- The alleged conduct, if proven, would not constitute sexual harassment as defined by the Title IX regulations (see the College's Title IX and Sexual Misconduct Policy, Section V(A)); and/or
- The conduct did not occur in an educational program or activity controlled by the College (including buildings or property controlled by recognized student organizations), and/or the College does not have control over the respondent; and/or
- The conduct did not occur against a person in the United States; and/or
- 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 College.

The Title IX Coordinator or Deputy Title IX Coordinator will promptly send the parties simultaneous written notice of any Title IX dismissals, the reason(s) therefore, and the hearing process that will be used to adjudicate the complaint. This notice will be provided no later than two (2) days following receipt of the parties' final written responses to the investigative report.

The decision to dismiss a complaint for purposes of Title IX may be appealed under certain circumstances, as discussed in Section XV.

## **XIII. Title IX Sexual Harassment Adjudication Process**

### **A. Hearing Officer**

The Title IX Coordinator or Deputy Title IX Coordinator will designate a single Hearing Officer to facilitate the hearing. The Hearing Officer will not have had any previous involvement with the investigation. The Title IX Coordinator or Deputy Title IX Coordinator may elect to have an alternate Hearing Officer sit in throughout the hearing process in the event that a substitute is needed for any reason.

Those who have served as Investigators will be witnesses in the hearing and may not serve as a



Hearing Officer. The Title IX Coordinator, Deputy Title IX Coordinator, and those who are serving as advisors for any party also may not serve as the Hearing Officer in that matter.

The Hearing Officer will have received training on Title IX's definition of sexual harassment, the scope of the College's Title IX and Sexual Misconduct Policy and Title IX and Sexual Misconduct Adjudication Procedures, how to conduct a grievance process, how to serve impartially, any technology used at the live hearing, the evidentiary standard used in the resolution process, and relevance of questions and evidence.

## **B. Notice of Hearing**

No less than ten (10) business days prior to the hearing, the Title IX Coordinator, Deputy Title IX Coordinator, or Hearing Officer will send notice of the hearing to the parties. The notice will contain:

- A description of the alleged misconduct, a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result.
- The time, date, and location of the hearing and a reminder that attendance is mandatory.
- A description of the technology that will be used to facilitate the hearing.
- Information about either parties' right to request that the live hearing occur with the parties located in separate rooms using technology that enables the Hearing Officer and parties to see and hear a party or witness answering questions. Such a request must be raised with the Title IX Coordinator or Deputy Title IX Coordinator at least five (5) business days prior to the hearing.
- A list of all those who will attend the hearing, along with an invitation to object to the Hearing Officer on the basis of demonstrated bias. This must be raised with the Title IX Coordinator in writing at least three (3) business days prior to the hearing. The Hearing Officer will only be removed if the Title IX Coordinator or Deputy Title IX Coordinator concludes that their bias or conflict of interest prevents an impartial hearing.
- A description of how the hearing will be recorded and how to access the recording for the parties after the hearing.
- A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the party's or witness's testimony and any statements given prior to the hearing will not be considered by the Hearing Officer.
- Notification that the parties must have an advisor present. If a party does not have an advisor, they must notify the Title IX Coordinator or Deputy Title IX Coordinator, and the College will appoint one.
- A copy of all the materials provided to the Hearing Officer about the matter, unless they



have been provided already.

- An invitation for the parties to submit an impact or mitigation of responsibility statement prior to the hearing to the Hearing Officer, which the Hearing Officer will review during any sanction determination.

### **C. Pre-Hearing Procedure**

The Hearing Officer, after any necessary consultation with the parties, Investigator, Title IX Coordinator, and/or Deputy Title IX Coordinator, will provide the names of the individuals who will be participating in the hearing, all pertinent documentary evidence, and the Final Investigative Report, to the parties at least ten (10) business days prior to the hearing. The Hearing Officer must recuse themselves if they find they cannot make an objective determination based on the identity of the participants.

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator unless all parties and the Hearing Officer agree to the witness' participation in the hearing. The same holds for any evidence that is first offered at the hearing. If the parties and Hearing Officer do not assent to the admission of evidence newly offered at the hearing, the Hearing Officer may delay the hearing and instruct that the investigation needs to be re-opened to consider that evidence.

Either party may request to reschedule the hearing. Requests to reschedule must be submitted to the Title IX Coordinator or Deputy Title IX Coordinator as soon as possible (and at least three business days prior to the scheduled hearing) and specify the reasons for the request. The Title IX Coordinator or Deputy Title IX Coordinator will determine whether to grant the request and retains discretion to reschedule the hearing at any time for good cause.

### **D. Hearing Requirements**

#### **1. Participants**

The only individuals who may be present at the hearing are the parties, their advisors, witnesses, and the Hearing Officer. Although the parties may be present throughout the proceedings, the witnesses will only be present at the hearing when they are being questioned. All people participating in the hearing remotely may be asked to certify to the Hearing Officer that no one else is present with them or otherwise in communication with them during the hearing.

#### **2. Attendance**

If a party or any witness fails to attend a hearing, the hearing may be held in their absence, or it may be delayed as may be reasonably necessary to secure their participation. The decision whether to proceed or postpone the hearing will be made by the Hearing Officer in consultation with the Title IX Coordinator or Deputy Title IX Coordinator. If a party or witness chooses not to participate in the hearing and does not make themselves available for cross-examination, the Hearing Officer cannot rely on that person's prior oral or written statements in reaching their decision about responsibility.



### **3. Standard of Evidence**

The Hearing Officer will determine whether the respondent violated the College's Title IX and Sexual Misconduct Policy using a preponderance of the evidence standard. A preponderance of the evidence means that it is more likely than not that the respondent is responsible for the alleged violation(s).

### **4. Relevance**

Only relevant testimony and other evidence may be presented to the Hearing Officer and considered when making a determination of responsibility. Evidence is relevant if it tends to make a material fact more or less probable.

### **5. Recording Proceedings**

The College will make an audio or audiovisual recording of the hearing for reference by the Hearing Officer during deliberations and for review by the Dean of Student Life during any appeal. The College will also make the recording available to the parties for inspection and review upon request.

## **E. Conducting the Hearing**

### **1. Introductions and Explanation of Procedure**

At the hearing's outset, the Hearing Officer will explain the hearing's procedures and provide an opportunity for the parties and their advisors to ask any procedural questions. The Hearing Officer will ask everyone to state their name and identify their role in the hearing. This will also include a final opportunity for challenge or recusal of the Hearing Officer on the basis of bias or conflict of interest.

The Hearing Officer will also remind the parties that the hearing is confidential, and that information received at the hearing should not be disclosed except as allowed by FERPA or other applicable law.

### **2. Investigator's Presentation of Final Report**

The Investigator will present a summary of the Final Investigative Report, including items that are contested and those that are not, and will be subject to questioning by the Hearing Officer and the parties.

### **3. Testimony and Questioning**

After the Investigator presents their report and is questioned, the parties and witnesses may provide relevant information in turn, beginning with the complainant, and then in the order determined by the Hearing Officer. The parties and witnesses will submit to questioning by the Hearing Officer and then by the parties through their advisors.

All questions are subject to a relevance determination by the Hearing Officer, who will determine



whether the question will be permitted, disallowed, or rephrased. In addition, questioning must adhere to the hearing's procedural rules as established by the Hearing Officer.

### **F. Deliberation, Finding of Responsibility, and Determination of Sanctions**

The Hearing Officer will deliberate in a closed session to determine whether the respondent is responsible or not responsible for the alleged policy violation(s). When there is a finding of responsibility on one or more of the allegations, the Hearing Officer may then consider any previously received party impact or mitigation statements in determining appropriate sanction(s).

The Hearing Officer will review the statements and will determine the appropriate sanctions in consultation with other appropriate administrators, as required. The Hearing Officer will then prepare a written deliberation statement and deliver it to the Title IX Coordinator or Deputy Title IX Coordinator, detailing the determination, rationale, the evidence used in support of the determination, the evidence not relied upon in the determination, credibility assessments, and any sanctions. This report must be submitted to the Title IX Coordinator or Deputy Title IX Coordinator within three (3) business days of the end of deliberations, unless the Title IX Coordinator or Deputy Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator or Deputy Title IX Coordinator will notify the parties.

### **G. Notice of Outcome**

Using the deliberation statement, the Title IX Coordinator or Deputy Title IX Coordinator will prepare a Notice of Outcome. The Title IX Coordinator or Deputy Title IX Coordinator will then share the Notice of Outcome, including the final determination, rationale, and any applicable sanctions with the parties and their advisors within five (5) business days of receiving the Hearing Officer's deliberation statement.

The Notice of Outcome will articulate the specific policies reported to have been violated, including the relevant policy section, and will contain a description of the procedural steps taken by the College from the receipt of the misconduct report to the determination, including any and all notifications to the parties, interviews with parties and witnesses, site visits, methods used to obtain evidence, and hearings held.

The Notice of Outcome will also specify the finding on each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent HCHC is permitted to share such information under state or federal law; any sanctions issued; and any remedies provided to the complainant designed to ensure access to the College's educational or employment program or activity, to the extent the College is permitted to share such information under state or federal law.

The Notice of Outcome will also include the relevant procedures and grounds for appeal.

## **XIV. Non-Title IX Sexual Misconduct Adjudication Process**

### **A. Hearing Composition**

The Title IX Coordinator or Deputy Title IX Coordinator will designate a single Hearing Officer



to facilitate the hearing. The Hearing Officer will have received training on issues related to sexual and gender-based harassment and other forms of sexual misconduct, the standard of evidence used, and on how to conduct a hearing that is fair and impartial and provides parties with notice and a meaningful opportunity to be heard. Those who have served as Investigators will be witnesses in the hearing and may not serve as a Hearing Officer.

## **B. Standard of Evidence**

The Hearing Officer will determine whether the respondent violated the College's Title IX and Sexual Misconduct Policy using a preponderance of the evidence standard.

## **C. Hearing**

The Hearing Officer will meet with the Investigator first to ask any questions they may have about the investigation or the Final Investigative Report. The Hearing Officer will then meet with the parties and their advisors individually (first the complainant, and then the respondent). Although advisors may be present when their advisee meets with the Hearing Officer, they may not actively participate in the hearing. The hearing serves as an opportunity for the parties to address the Hearing Officer in-person, privately, and the parties may address any information in the Final Investigative Report, their written responses to the report, or provide an impact or mitigation statement.

Each party will have the opportunity to be heard and respond to the Hearing Officer's questions. The parties may not directly question one another, although they may suggest questions for the Hearing Officer to ask the other party. These questions should be submitted in writing at least three (3) business days prior to the hearing. The Hearing Officer will use their discretion to determine whether they will ask these questions.

## **D. Determination and Issuance of Sanctions**

The Hearing Officer will deliberate in a closed session to determine whether the respondent is responsible or not responsible for the alleged policy violation(s). When there is a finding of responsibility on one or more of the allegations, the Hearing Officer may then consider any previously submitted party impact statements in determining appropriate sanction(s). The Hearing Officer will review the statements and will determine the appropriate sanctions in consultation with other appropriate administrators, as required.

The Hearing Officer will then prepare a written deliberation statement and deliver it to the Title IX Coordinator or Deputy Title IX Coordinator, detailing the determination, rationale, the evidence used in support of its determination, the evidence not relied upon in its determination, credibility assessments, and any sanctions. This report must be submitted to the Title IX Coordinator or Deputy Title IX Coordinator within three (3) business days of the end of deliberations, unless the

Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator or Deputy Title IX Coordinator will notify the parties.



## **E. Notice of Outcome**

After receiving the Hearing Officer's deliberation statement, the Title IX Coordinator or Deputy Title IX Coordinator will prepare a Notice of Outcome. The Title IX Coordinator or Deputy Title IX Coordinator will share the Notice of Outcome, including the final determination, rationale, and any applicable sanctions with the parties and their advisors within five (5) business days of receiving the Hearing Officer's deliberation statement.

## **XV. Appeals**

Any party may file a written request for an appeal with the Dean of Student Life within seven (7) calendar days of the delivery of the Notice of Outcome or the dismissal of a formal complaint or any of the allegations therein. The parties will be notified in writing when an appeal is filed. Appeals are allowed on the following bases:

- There was a procedural irregularity that affected the outcome of the matter;
- There is new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and/or
- The Title IX Coordinator, Deputy Title IX Coordinator, Investigator, or Hearing Officer had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

If the Dean of Student Life determines there is grounds for an appeal, the parties will be notified in writing and a new Hearing Officer will be selected to review the written documentation, the record of the original hearing, and any pertinent documentation regarding the specific grounds for appeal. Both parties may submit a written statement in support of, or challenging, the Hearing Officer's determination or the complaint's dismissal. In limited circumstances, such as when an appeal is granted based on new evidence, an appeal may be remanded to the original Investigator and Hearing Officer for reconsideration.

An appeal is not an opportunity for the new Hearing Officer to substitute their judgment for that of the original Hearing Officer merely because they disagree with the finding or sanctions imposed. Decisions on appeal are to be deferential to the original decision, making changes to the finding only when there is clear error, and to the sanctions only if there is a compelling justification to do so.

The results of any appeal and the rationale for the result will be communicated simultaneously and in writing to the parties by the Title IX Coordinator or Deputy Title IX Coordinator. Once an appeal is decided, the outcome is final.

## **XVI. Sanctions**

Where there is a finding of responsibility, the sanctions and remedies that are indicated below may be considered by the Hearing Officer in accordance with these Procedures.



## A. Student Sanctions

The following are the typical sanctions that may be imposed upon students or organizations singly or in combination:

- *Warning:* A formal statement that the conduct was unacceptable and a warning that further violation of any College policy, procedure, or directive will result in more severe sanctions/responsive actions.
- *Required Counseling:* A mandate to meet with and engage in either College-sponsored or external counseling to better comprehend the misconduct and its effects.
- *Probation:* A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any institutional policy, procedure, or directive within a specified period of time.
- *Suspension:* Termination of student status for a definite period of time and/or until specific criteria are met.
- *Expulsion:* Permanent termination of student status and revocation of rights to be on campus for any reason or to attend College -sponsored events.
- *Withholding Diploma:* The College may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities if the student has an allegation pending or as a sanction if the student is found responsible for an alleged violation.
- *Revocation of Degree:* The College reserves the right to revoke a degree previously awarded from the College for fraud, misrepresentation, and/or other violation of College policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- *Organizational Sanctions:* Deactivation, loss of recognition, loss of some or all privileges for a specified period of time.
- *Other Actions:* In addition to or in place of the above sanctions, the College may assign any other sanctions as deemed appropriate.

## B. Employee Sanctions/Responsive Actions

Responsive actions for an employee who is found responsible for a Policy violation include:

- Warning – Verbal or Written
- Performance Improvement Plan/Management Process
- Enhanced supervision, observation, or review
- Required Counseling



- Required Training or Education
- Probation
- Denial of Pay Increase
- Loss of Oversight or Supervisory Responsibility
- Demotion
- Transfer
- Reassignment
- Delay of tenure track progress
- Assignment to new supervisor
- Restriction of stipends, research, and/or professional development resources •

Suspension with pay

- Suspension without pay
- Termination
- Other Actions: In addition to or in place of the above sanctions/responsive actions, the College may assign any other responsive actions as deemed appropriate.

### **XVII. Time Frame for Adjudication**

The College will work in good faith to resolve investigations and adjudications within 90 business days. Any of the timeframes in these procedures may be extended by the College on its own or at the request of a party, or when extenuating circumstances exist, such as the complexity of the report, the availability of parties and witnesses to participate in the investigation, the availability of evidence, if a request for a formal investigation is made during or close to a College recess, and the like. If the time frames contained in these procedures must be extended, this will be communicated in writing to the parties along with the reason for the College's decision.

### **XVIII. Recordkeeping**

HCHC will maintain for a period of at least seven years records of:

- Each sexual misconduct investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
- Any disciplinary sanctions imposed on the respondent;
- Any remedies provided to the complainant;
- Any appeal and the appeal's result;
- Any informal resolution and the result therefrom;
- All materials used to train Title IX Coordinators, Investigators, Hearing Officers, and any person who facilitates an informal resolution process (these materials are also available at <https://www.hchc.edu/compliance/>; and <https://atixa.org/2020-regulations-requirement-posting-of-training-materials/>)
- Any actions, including any supportive measures, taken in response to a report or formal



complaint of sexual harassment.

HCHC will also maintain any and all records in accordance with state and federal laws.