

# **MERRIMACK COLLEGE SEX DISCRIMINATION, SEXUAL MISCONDUCT, RELATIONSHIP VIOLENCE AND STALKING POLICY AND PROCEDURE**

## **I. Statement of Intent**

Merrimack College is a community in the Augustinian tradition, and we strive to maintain an environment that is consistent with our mission and respectful of the rights of all individuals within the College community. The College affirms that all members of this community are freely united by their shared pursuit of scholarship and intellectual growth. The College and the students accept responsibility toward each other within this community. Sexual misconduct violates the sacredness of the human body and spirit, is considered one of the most serious violations of the standards of our community, and will not be tolerated.

This Sex Discrimination, Sexual Misconduct, Relationship Violence and Stalking Policy and Procedure (“Policy”) prohibits sex discrimination, sexual misconduct, and other misconduct specified below. Campus sanctions, up to and including termination of employment or expulsion, may result from a responsible finding determined through this Policy. Students and employees have the right to pursue additional legal options through the court system either separately or in conjunction with this Policy.

## **II. Notice of Nondiscrimination**

Merrimack College does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX and its regulations, including in admission and employment. Inquiries about Title IX may be referred to the College’s Title IX Coordinator, the U.S. Department of Education’s Office for Civil Rights, or both.

The College’s Title IX Coordinator is: Caitlyn M. Bosworth, Vice President and General Counsel, Office of the General Counsel, 315 Turnpike Street, North Andover MA 01845, bosworthc@merrimack.edu, (978) 837-5426.

The College’s Deputy Title IX Coordinator is: Caitlin Regan, Assistant Dean of Students, Office of the Dean of Students, 315 Turnpike Street, North Andover MA 01845 reganca@merrimack.edu, (978) 837-5175.

To report information about conduct that may constitute sex discrimination or other conduct prohibited by this Policy or make a complaint of sex discrimination under this Policy, please refer [here](#).

## **III. Scope**

This Policy applies to all members of the Merrimack College community, including students, faculty, staff, and covered third parties.

This Policy and its procedures apply exclusively to reported conduct that falls within the scope of the Policy and that reportedly occurred on or after August 1, 2024. In accordance with Title IX, this Policy does not apply retroactively. When the College receives a report of conduct that

would fall within the scope of the College's Title IX Sexual Harassment Policy or the Sexual Misconduct, Relationship Violence and Stalking Policy and that reportedly occurred between August 14, 2020 and July 31, 2024, it will apply the policy and procedures in effect at the time of the alleged conduct.

This Policy applies to Prohibited Conduct (described below) when it occurs on campus and/or in the context of any College program or activity within the United States. This Policy also applies to incidents occurring outside of a College educational program or activity when the Prohibited Conduct diminishes a Complainant's ability to engage in an educational program or activity.

This Policy applies to all acts of Prohibited Conduct between individuals, regardless of the sex, gender identity, gender expression, and/or sexual orientation of those individuals.

All members of the community including students, faculty, and staff are encouraged to cooperate fully in efforts to investigate and enforce this Policy. The College prohibits retaliation against a person who has reported information, made a complaint, testified, assisted, or participated or refused to participate in a process related to this Policy. The College also prohibits retaliation intended to interfere with a right or privilege secured by this Policy, and as further defined below.

#### **IV. Definitions**

The following definitions apply to terms used in and for the purposes of this Policy.

*Advisor* is a person chosen by a party, who may but need not be an attorney, who provides support and advice to a Party during any stage of the process set forth in this Policy. Any person serving as a Party's Advisor is prohibited from publicly disclosing private information learned during this process, including information protected under the Family Educational Rights and Privacy Act ("FERPA") or other state or federal laws. Parties and Advisors are expected to maintain the privacy and respect the privacy concerns of all parties and witnesses to the greatest extent possible. If any Advisor is concerned about violating this assurance of privacy to gather evidence, they should raise such concerns with the Title IX Coordinator or designee immediately so that it can be appropriately addressed to protect the sensitivity of the information without limiting the ability of either party to find and present relevant evidence.

*Amnesty* means a reprieve from disciplinary action for a person's own use of drugs or alcohol ancillary to a report or complaint of Prohibited Conduct. Students who report Prohibited Conduct, either as a Complainant or a witness, will not be subject to disciplinary action by the College for their violation of the College's [Community Standards](#) with respect to drugs or alcohol consumption. The College may deny amnesty when a report or complaint of Prohibited Conduct is not made in good faith or the violation was egregious. An egregious violation shall include, but not be limited to, taking an action that places the health and safety of another person at risk.

*Coercion* is the use or attempted use of pressure and/or oppressive behavior, including express or implied threats, intimidation, or physical force, which places a person in fear of immediate harm or physical injury or causes a person to engage in unwelcome sexual activity. A person's words or conduct cannot amount to coercion unless they wrongfully impair the other's freedom of will

and ability to choose whether or not to engage in sexual activity. Coercion also includes administering or pressuring another to consume a drug, intoxicant, or similar substance with the intent to impair that person's ability to consent prior to engaging in sexual activity.

*Complainant* means:

- A student or employee who is alleged to have been subjected to conduct that could constitute Prohibited Conduct;
- A person other than a student or employee who is alleged to have been subjected to Prohibited Conduct and who was participating or attempting to participate in the College's education program or activity at the time of the alleged Prohibited Conduct; or
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant.

*Complaint* means an oral or written request to the College that objectively can be understood as a request for the College to investigate and make a determination about alleged Prohibited Conduct.

*Confidential Employee* means:

- An employee of the College whose communications are privileged or confidential under Federal or State law. All such employees have been identified as a Confidential Resource. The employee's confidential status, for purposes of this Policy, is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies;
- An employee of the College whom the College has designated as a Confidential Employee under this Policy for the purpose of providing services to persons related to Prohibited Conduct. If such an employee also has a duty not associated with providing those services, the employee's confidential status is only with respect to information received about Prohibited Conduct in connection with providing those services; or
- An employee of the College who is conducting an Institutional Review Board-approved human-subjects research study designed to gather information about sex discrimination—but the employee's confidential status is only with respect to information received while conducting the study.

*Confidential Resource* means: an off-campus individual or entity not affiliated with College who or that is able to provide confidential counseling and other services to individuals who may have experienced Prohibited Conduct.

*Consent* is defined as informed, freely and actively given mutually understandable words or actions which indicate a willingness to participate in each form of sexual activity. Consent is mutually understandable when a reasonable person would consider the words or actions of the parties to have demonstrated agreement between them to participate in the sexual activity. In the absence of mutually understandable words or actions, neither party should assume that it is permissible to engage in the sexual activity. Consent to some form(s) of sexual activity does not necessarily mean consent to other forms of sexual activity. Consent to sexual activity may be

withdrawn at any time at which point all sexual activity for which consent has been withdrawn must cease.

Consent can NEVER be given by the following:

- Minors (in Massachusetts, those not yet sixteen (16) years of age);
- Mentally disabled persons;
- Individuals who are incapacitated as a result of alcohol or other drug consumption (voluntary or involuntary);
- Individuals who are unconscious, unaware or otherwise physically helpless; or
- Individuals who are forced, coerced, intimidated or threatened.

*Dating violence* meaning violence committed by a person:

- Who is or has been in a social relationship of a romantic or intimate nature with the Complainant; and
- Where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - The parties' statements;
  - The length of the relationship;
  - The type of relationship; and
  - The frequency of interaction between the persons involved in the relationship.

*Domestic violence* meaning felony or misdemeanor crimes committed by a person who:

- Is a current or former spouse or intimate partner of the Complainant under the family or domestic violence laws of the applicable jurisdiction, or a person similarly situated to a spouse of the Complainant;
- Is cohabitating, or has cohabitated, with the Complainant as a spouse or intimate partner;
- Shares a child in common with the Complainant; or
- Commits acts against a youth or adult Complainant who is protected from those acts under the family or domestic violence laws of the jurisdiction where the acts occurred.

*Disciplinary sanctions* means consequences imposed on a Respondent following a determination under this Policy that a Respondent violated the College's prohibition on Prohibited Conduct. Supportive Measures are not a disciplinary sanction.

*Education Program or Activity* means all of the operations of the College. For purposes of this Policy, conduct that occurs under the College's education program or activity includes but is not limited to conduct that occurs in a building owned or controlled by a student organization that is

officially recognized by the College, and conduct that is subject to the College's disciplinary authority.

*Incapacitation* is defined as the inability, temporarily or permanently, to give consent, because an individual is mentally and/or physically helpless, unconscious, or unaware that the sexual activity is occurring. This may or may not be due to alcohol or other drugs. A person can be intoxicated without being incapacitated.

*Mandatory Reporters* are all Merrimack College faculty, staff, and administrators; student employees who have a responsibility for student welfare; unless defined above as Confidential Employees. Mandatory Reporters are required to report promptly to the Title IX Coordinator or designee any information they learn about conduct that reasonably may constitute Prohibited Conduct.

*Party* means a Complainant or Respondent.

*Pregnancy or related conditions* means:

- Pregnancy, childbirth, termination of pregnancy, or lactation;
- Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or
- Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

*Preponderance of the Evidence* means "more likely than not." The College uses the preponderance of the evidence standard to determine whether the reported incident and/or behavior violated College policies). Therefore, all findings and determinations of responsibility under this Policy will be made using this preponderance of the evidence standard. Please note:

- The preponderance of the evidence standard is not the standard used for criminal culpability in most jurisdictions and a determination of responsibility under the Policy does not equate with a finding of a violation of criminal laws;
- Conversely, lack of a prosecution, dismissal, or lack of a criminal conviction does not necessarily imply that the College's Policy was not violated. The two procedures are significantly different and utilize different standards for determining violations.

*Prohibited Conduct* means Sex-Based Discrimination, Sex-Based Harassment (Quid Pro Quo Harassment, Hostile Environment Harassment, Sexual Assault, Stalking, Dating Violence, Domestic Violence, and Sexual Exploitation), and Retaliation, as defined in this Policy, and aiding or facilitating in the commission of Prohibited Conduct.

*Relevant* means related to the allegations of Prohibited Conduct under investigation as part of procedures described below. Questions are relevant when they seek evidence that may aid in showing whether alleged Prohibited Conduct occurred, and evidence is relevant when it may aid a decision-maker in determining whether alleged Prohibited Conduct occurred.

*Remedies* means measures provided, as appropriate, to a Complainant or any other person the College identifies as having had their equal access to the College's education program or activity

limited or denied by Prohibited Conduct. These measures are provided to restore or preserve that person's access to the College's education program or activity after the College determines that Prohibited Conduct occurred.

*Report* refers to information brought to the Title IX Coordinator or designee alleging conduct prohibited under this Policy. A Report is not considered to be a Complaint. An individual who reports experiencing Prohibited Conduct may first make a Report and then subsequently file a Complaint, and an individual who has not experienced Prohibited Conduct themselves may make a Report of their perception that another member of the College community may have experienced Prohibited Conduct.

*Resolution Process* means either a formal or informal resolution process, conducted under the procedures outlined below.

*Respondent* means a person who is alleged to have violated the College's prohibition on Prohibited Conduct. If a Complaint alleges that a Merrimack College policy or practice has the purpose or effect of discriminating on the basis of sex, the College may investigate the Complaint without identifying an individual Respondent.

*Retaliation* means intimidation, threats, coercion, or discrimination against any person for the purpose of interfering with any right or privilege secured by this Policy, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy and/or the voluntary informal resolution processes described in this Policy; provided, however, that it is not retaliation for the College to require an employee or other person authorized to provide aid, benefit, or service under the College's education program or activity to participate as a witness in, or otherwise assist with, an investigation, proceeding or hearing under this Policy. Nor is it retaliation for the College to take disciplinary action against a person who fails to act in good faith when participating in any process subject to this Policy.

Retaliation prohibited by this Policy includes action taken directly by the College, any Respondent, or any third party acting on behalf of a Respondent. Retaliation also includes retaliation by a respondent or respondents against a peer (i.e., student-student or employee-employee retaliation). Retaliation may occur regardless of the outcome of any proceeding described in this Policy.

*Sex-Based Discrimination* means actions or policies that have the purpose or effect of treating a person differently and adversely because of their sex, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, or gender identity.

*Sexual Exploitation* occurs when a person takes non-consensual or abusive sexual advantage of another or to benefit or advantage anyone other than the one being exploited and that behavior does not otherwise constitute another form of sexual misconduct. Examples of sexual exploitation include but are not limited to: engaging in sexually exploitive behavior not otherwise prohibited by this Policy, prostitution, non-consensual video or audio taping of sexual or other private activities exceeding the boundaries of consent (e.g. permitting others to hide in closest and observe sexual activity, videotaping a person using the bathroom). Sexual

exploitation shall include non-consensual dissemination of photos, video or text that occurs when a person takes abusive advantage of another to benefit or sexually exploit that person.

*Sex-Based Harassment* means conduct on the basis of sex that satisfies one or more of the following:

- An employee, agent or other person authorized by the College to provide an aid, benefit or service under the College's education program or activity explicitly or implicitly conditioning the provision of such aid, benefit, or service on a person's participation in unwelcome sexual conduct (this type of sexual harassment is also referred to as quid pro quo harassment);
- Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the College's education program or activity (this type of sexual harassment is also referred to as hostile environment harassment); or
- Sexual Assault, Dating Violence, Domestic Violence, and Stalking (as defined in the uniform crime reporting system of the Federal Bureau of Investigation), or Sexual Exploitation.

*Sexual assault* is a form of Sex-Based Harassment and means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. Sexual Assault means:

- The carnal knowledge of a person, without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
- Oral or anal sexual intercourse with another person, without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
- To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
- Fondling, that is, the touching of the private body parts of another person for the purpose of sexual gratification without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
- Incest, that is, nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law in the state where the conduct occurs; and

- Statutory Rape, that is, nonforcible sexual intercourse with a person who is under the statutory age of consent in the state where the conduct occurs.

*Stalking* means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress.

Course of conduct means two or more acts, including, but not limited to, acts in which the respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. Reasonable person means a reasonable person under similar circumstances and with similar identities to the complainant.

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

Such behaviors or activities may include, but are not limited to, non-consensual communication (face to face, telephone, e-mail, texting, and social media), threatening or obscene gestures, surveillance, pursuit, following, visiting outside an individual's classroom or residence, sending gifts or making threats.

Please note that this definition of Stalking includes behavior that does not occur on the basis of sex.

*Supportive Measures* means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant or Respondent to:

- (1) Restore or preserve that party's access to the College's education program or activity, including measures that are designed to protect the safety of the parties or the College's educational environment; or
- (2) Provide support during the College's grievance procedures or during a voluntary informal resolution process.

Supportive Measures are defined further below.

## **V. Reporting Misconduct and Seeking Support**

Anyone may report to Merrimack College conduct that may constitute Prohibited Conduct, regardless of where the conduct occurred.

Each member of the College community may have different reporting requirements and different abilities to maintain confidentiality depending on their roles at the College. When considering campus resources, individuals affected by conduct that may constitute Prohibited Conduct should



be aware of confidentiality and reporting requirements in order to make informed choices. Some resources on campus may maintain complete confidentiality, while others are available to assist reporting crimes/Policy violations and taking appropriate action through criminal proceedings or College procedures outlined below.

#### **A. Reporting to the Title IX Coordinator**

Individuals who have experienced behavior or been affected by a College policy or practice that may constitute Prohibited Conduct are encouraged to make a Report or Complaint to the Title IX Coordinator or designee, even if they have not decided whether they wish to pursue only Supportive Measures, or Supportive Measures and a Resolution Process. The Title IX Coordinator or designee will discuss the availability of Supportive Measures and take the steps outlined in the Initial Assessment section below. Reports or Complaints may be made to the Title IX Coordinator or designee through the following means:

Title IX Coordinator: Caitlyn M. Bosworth, Vice President and General Counsel, bosworthc@merrimack.edu, (978) 837-5426

Deputy Title IX Coordinator: Caitlin Regan, Assistant Dean of Students, reganca@merrimack.edu, (978) 837-5175

Known and anonymous reports can be submitted [here](#).

#### **B. Reporting to the Merrimack College Police Department**

Individuals who have experienced conduct that may constitute Prohibited Conduct and that could also be criminal in nature are encouraged to make a report to the Merrimack College Police Department. When the campus Police Department is contacted, an officer will assist the individual in obtaining medical care and counseling and will conduct a preliminary investigation and gather physical evidence. Any investigation will be conducted by an officer trained and certified by the Massachusetts Criminal Justice Training Council in sexual assault investigation, who will discuss the results of the investigation with the victim and explain to the individual their rights and options. Under Massachusetts law, the reporting individual may request that their identity be kept confidential in law enforcement records; however, because Campus Safety are employees of the College, information about the report, including personally identifiable information, will be shared with the Title IX Coordinator or designee. Filing a campus safety report does not obligate the reporter to participate in criminal or campus proceedings.

To the extent permitted by law, the College will assist a reporting College community member with making a report to law enforcement and will cooperate with law enforcement agencies if the complainant decides to pursue law enforcement action. Proceedings under this Policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus. Cooperation with law enforcement agencies may require the College to temporarily suspend its own investigation while the law enforcement agency gathers evidence. The College will promptly resume its own investigation as soon as it is notified that the law enforcement agency has completed its evidence gathering process.

Individuals who experience sexual assault, dating violence, or domestic violence are strongly encouraged to seek medical attention and be examined for physical injury, the presence of sexually transmitted diseases, or pregnancy as a result of rape. The College will help any individual get to a safe place and will provide transportation to the hospital, coordination with law enforcement, and information about the College's resources and complaint processes.

**PLEASE NOTE:** An individual who is considering making a criminal complaint or taking other legal action should seek medical care as soon as possible after an assault. It is important for the individual to not bathe, douche, or change clothing before the medical examination in order to avoid inadvertently removing important evidence. The kind of evidence that supports a legal case should be collected as soon as possible, at maximum within ninety-six (96) hours of an assault.

### **C. Anonymous Reports**

Reports of Prohibited Conduct may be made anonymously to the Title IX Coordinator or designee by the public reporting [form](#). If a known Complainant requests anonymity in the investigation and adjudication process, the Title IX Coordinator will make a fact-specific determination as to whether an investigation and adjudication process can occur without an identified Complainant. Typically, the College has limited ability to respond to anonymous reports, and encourages reporters to identify themselves so the College can follow up as appropriate and necessary.

### **D. Disclosures to Mandatory Reporters**

All Merrimack College: faculty, staff, and administrators; and student employees who have a responsibility for student welfare; unless they are specifically designated below as Confidential Employees. Mandatory Reporters are required to promptly report to the Title IX Coordinator or designee any information they become aware of about conduct that reasonably may constitute Prohibited Conduct.

In emergency situations, if there is a suspected crime in progress or imminent or serious threats to the safety of anyone, Mandatory Reporters and Confidential Employees must immediately contact the Merrimack College Police Department by dialing 978-837-5911.

In non-emergency situations, Mandatory Reporters must promptly report suspected violations of this Policy to the Title IX Coordinator or designee. Failure to do so is a violation of College policy, and could result in disciplinary action.

### **E. Seeking Support from Confidential Employees and Confidential Resources**

#### **1. Seeking Support from Confidential Employees**

If an individual would like to seek support but wishes to keep the details of an incident confidential, they are encouraged to contact on-campus counselors or health providers at the Hamel Health and Counseling Center at 978-837-5441, who are specifically designated by the College as Confidential Employees.

If a patient/client discloses information to a Confidential Employee acting within the scope of such role conduct that reasonably may constitute Prohibited Conduct, the Confidential Employee must and will explain the following to the patient/client:

- The employee's status as confidential for purposes of this Policy, and that they will not report information about conduct that reasonably may constitute Prohibited Conduct to the Title IX Coordinator or designee without the individual's permission;
- How to contact the Title IX Coordinator or designee and how to make a complaint of sex discrimination;
- That the Title IX Coordinator or designee may be able to offer and coordinate supportive measures, as well as initiate a Resolution Process under this Policy;
- Reporting options and the effects of each option;
- Counseling services available on campus and through a local, community-based rape crisis center or domestic violence program;
- Medical and health services available on campus and off campus;
- The College's disciplinary process;
- The legal process carried out through local law enforcement agencies;
- Provide notice of their rights;
- Provide notice of the institution's responsibilities regarding a protection order, no contact order and any other lawful orders issued by the institution or by a criminal, civil or tribal court

Confidential Employees will receive training on the awareness and prevention of sexual misconduct and in trauma-informed response, and will assist the reporting party with requested Supportive Measures including:

- Coordinating with any on-campus and off-campus sexual assault crisis service center or domestic violence program;
- If directed by the reporting party, contacting campus or local law enforcement;
- Contacting the appropriate College personnel to arrange College-based Supportive Measures as described in this Policy. Supportive Measures do not require a report to the Title IX Coordinator or designee.

Confidential Employees may attend meetings and proceedings under this Policy as the advisor or support person of the student's or employee's choice.

A College Confidential Resource will not provide services to adverse parties in an incident of Prohibited Conduct and shall ensure confidentiality is maintained. Without the prior written consent of the patient/client who shared the information, Confidential Employees will not be required to report an incident to a College official or a law enforcement agency unless otherwise required to do so by state or federal law; provided, however, that nothing in this section shall limit a responding party's right of cross examination of the Confidential Employee in a civil or criminal proceeding if the Confidential Employee testifies after being given written consent to do so by the party.

Confidential Employees will not act as a counselor or therapist unless they hold a valid and applicable license under Massachusetts law and the reporting party engages the confidential resource provider in that capacity.

Individuals may also seek support from off-campus confidential resources such as the National Sexual Assault Hotline at 1-800-656-HOPE, the Boston Area Rape Crisis Center 1-800-841-8371 or the YWCA of Greater Lawrence 1-877-509-9922.

#### **F. Federal Law Reporting Obligations**

Other than the counselors at the Counseling Center, all employees made aware of an alleged incident are required by federal law to file a personally unidentifiable statistical report to the Merrimack College Police Department. The only information that will be released is that an incident was reported, the type of incident and the general location of the incident (i.e. on or off campus; no address will be given). The names of the individuals allegedly involved will remain confidential. Counselors at the Counseling Center will cooperate with the Merrimack College Police Department to report Clery Act crimes. Statistics given to the Merrimack College Police Department can be found in the Annual Campus Security Report. College officials must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community. The College will not provide the name or identifying information of the person allegedly affected by the incident, but will provide enough information for community members to make safe decisions in light of the danger.

#### **G. Timeline for Reporting**

The College encourages individuals to report Prohibited Conduct immediately in order to maximize the College's ability to respond promptly and equitably. Although prompt reporting helps the investigation process, the College does not limit the timeframe for reporting. The College cannot pursue disciplinary action against an individual who is no longer affiliated with the College. Under those circumstances, however, the College will help a complainant identify external reporting options, provide reasonably available support and resources, and take other steps, such as, for example, issuing a no-trespass notice, designed to eliminate any hostile environment, prevent recurrence of the conduct, and address its effects.

#### **H. Amnesty for Students Who Report Prohibited Conduct**

The College recognizes that Merrimack students who have been drinking or using drugs at or near the time of an incident may be hesitant to report Prohibited Conduct because of potential consequences for their own alcohol or drug violations of the College's [Community Standards](#).

Students who report Prohibited Conduct, either as a Complainant or a witness, will not be subject to disciplinary action by the College for their own use of drugs or alcohol in violation of the College's Community Standards. The College may deny amnesty when a report or complaint of Prohibited Conduct is not made in good faith or the violation was egregious. An egregious violation shall include, but not be limited to, taking an action that places the health and safety of another person at risk.

### **I. Supportive Measures**

Supportive measures are defined for purposes of this Policy as individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant or Respondent to:

- Restore or preserve that party's access to the College's education program or activity, including measures that are designed to protect the safety of the Parties or the College's educational environment; or
- Provide support during the College's investigative resolution process or informal resolution process.

Upon receipt of a report of Prohibited Conduct or a pregnancy related request for supportive measures, the College will consult initially with the Complainant and provide reasonably available and appropriate supportive measures. If applicable and at the appropriate time, the College will also consult with the Respondent regarding supportive measures. The College may, as appropriate, modify or terminate supportive measures at the conclusion of any investigative resolution or voluntary informal resolution process, or may continue them in the same or modified form beyond that point. While some supportive measures may only be applicable and appropriate during a resolution process, supportive measures may be provided at any time, regardless of whether a resolution process has been initiated or completed, and regardless of where the conduct occurred or whether the conduct occurred outside of the College's programs or activities.

Supportive measures may include but are not limited to:

- counseling;
- extensions of deadlines and other course-related adjustments;
- letters instructing the parties not to contact each other;
- training and education programs related to Prohibited Conduct;
- academic accommodations, such as access to tutoring, rescheduling of exams or assignments, and/or the ability to drop a course without penalty;
- modifications of work schedules, change in work locations, changing working arrangements, or providing other employment accommodations as appropriate;

- residential accommodations, including but not limited to arranging for new housing, or providing temporary housing options, as appropriate;
- leaves of absence;
- increased security and monitoring of certain areas of the campus;
- assistance setting up initial appointments for counseling and/or medical services;
- providing an escort and other safety planning steps;
- assistance in evaluating implications for financial aid, immigration or visa status;
- referral to resources that can assist in obtaining a civil order of protection;
- other changes in class, work, housing or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative;
- changes to another party's schedule, housing, academic arrangements and/or participation in University education programs or activities that do not unreasonably burden that party; and/or
- other measures tailored to the involved parties.

The availability of supportive measures will be determined by factors such as the specific circumstances of each report, the Party's wishes regarding supportive measures, and an individualized assessment of the circumstances of each case. The College will work in good faith to implement the requirements of judicially-issued protective orders and similar orders, to the extent that doing so is within its authority.

Requests for supportive measures may be made by either Party to the Title IX Coordinator or designee. The Title IX Coordinator or designee is responsible for ensuring the implementation of supportive measures and coordinating the College's response with the appropriate offices on campus.

The Title IX Coordinator or designee has the discretion to provide, deny, modify, or terminate any supportive measure based on all available information and is available to meet with a Complainant or Respondent to address any concerns about the provision of supportive measures. The College will provide a Complainant or Respondent with a timely opportunity to initiate a supportive measure review process, through which a party may seek, from an impartial College employee or designee, modification or reversal of the Title IX Coordinator or designees decision to provide, deny, modify, or terminate supportive measures applicable to them. The question for consideration in such reviews will be whether the supportive measure under review is consistent or inconsistent with the definition of supportive measure stated above. Reviewing officials will have the authority to modify or reverse decisions related to supportive measures, if they conclude that the decision under review is inconsistent with the definition of supportive measure stated above. Parties may also seek additional modification or termination of a supportive measure applicable to them if circumstances change materially.

The College will maintain as confidential any supportive measures provided to a Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the College to provide the supportive measures.

The College will promptly address any violation of supportive measures. All individuals are encouraged to report concerns about the failure of another individual to abide by any restrictions imposed by a supportive measure. The College will take prompt and responsive action to enforce supportive measures, which may include additional supportive measures and/or disciplinary penalties under student or employment disciplinary policies, as applicable.

## **VI. Emergency Removal/Administrative Leave**

### **A. Emergency Removal of Students**

Where there is an imminent and serious threat to the health or safety of any person arising from the allegations of Prohibited Conduct, the College can remove a student Respondent from its education program or activity on an emergency basis, and issue any necessary related no-trespass and no-contact orders. The Title IX Coordinator or designee will make such a removal decision based on an individualized safety and risk analysis, in consultation as deemed necessary with other College personnel, departments, and/or teams. If the College makes such a decision, the student Respondent will be provided with notice and an opportunity to challenge the decision immediately following the removal.

### **B. Administrative Leave for Employees**

The College always maintains the discretion to place employee Respondents, including student-employee Respondents, on paid or unpaid administrative leave from employment responsibilities during the pendency of an investigation and/or resolution process.

## **VII. Retaliation**

*Retaliation as defined above* violates College policy. The College will take immediate and appropriate action in response to reports of retaliation and may pursue disciplinary action, as appropriate. This disciplinary action may be separate and apart from the underlying conduct at issue, and a person may be found responsible for retaliation even if the underlying report is later not found to be a violation of this Policy. Retaliation-related complaints will be handled under the 10 (b) procedures outlined below.

## **VIII. Merrimack College's Procedures for Addressing and Resolving Allegations of Prohibited Conduct**

### **A. Introduction**

The College has adopted procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator or designee, alleging any action that would constitute Prohibited Conduct as defined in this Policy. In all cases, the College will respond to reports of violations of this Policy in a prompt, fair and

impartial manner. Consistent with Title IX, some of the procedures described below apply to all matters that fall within the scope of this Policy, while others apply only to reports of sex-based harassment that involve a student as a Party. Certain decision-making procedures that apply only to reports of sex-based harassment that involve a student as a Party are described in section VIII.G. below.

These procedures are applicable to allegations, investigations, and adjudication of cases involving this Policy, regardless of whether the Respondent is a faculty employee, staff employee, or student.

## **B. Reports and Complaints**

Making a Report does not automatically initiate a Complaint process and does not automatically result in notification to the other Party. Complainants are able to receive supportive measures without filing a Complaint.

Individuals reporting that they have experienced Prohibited Conduct may initiate an informal resolution process without filing a Complaint. To do so, the individual must inform the Title IX Coordinator or designee of their concerns and request informal resolution as set forth below.

An individual is not required to file a Report prior to making a Complaint. A Complaint is an oral or written request to the College that objectively can be understood as a request for the College to investigate and make a determination about alleged Prohibited Conduct.

The College may consolidate complaints of Prohibited Conduct against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against another Party, when the allegations of Prohibited Conduct arise out of the same facts or circumstances. When more than one Complainant or more than one Respondent is involved, any reference to a Party, Complainant, or Respondent includes the plural.

## **C. Initial Assessment**

Upon receipt of a Report or Complaint the Title IX Coordinator or designee will conduct an initial assessment. The initial assessment will typically consist of the Title IX Coordinator or designee notifying the Complainant of their rights and options pursuant to this Policy and state and federal law, offering supportive measures, determining the Complainant's resolution preference, and evaluating the Report or Complaint to determine whether additional measures are necessary to ensure the health and safety of the campus community. If the Complainant does not respond to the Title IX Coordinator or designee, the Title IX Coordinator or designee will assess the matter based on all known information.

Based on the initial assessment, the Title IX Coordinator or designee may initiate an investigation and resolution process independent of a Complainant, considering factors detailed below. Anonymous Reports will be reviewed to determine whether additional measures are needed. The College is limited in its ability to evaluate and respond to anonymous reports and makes all decisions based on known information.



The College will strive to complete initial assessments as promptly as reasonably practicable, and absent extenuating circumstances, will usually be able to complete the initial assessment process within 10 days of the Title IX Coordinator or designee's initial meeting with the Complainant or reporter.

#### **D. Dismissals**

The College may dismiss a Complaint without a responsibility finding if:

- The College is unable to identify the Respondent after taking reasonable steps to do so;
- The Respondent is not participating in the College's education program or activity and is not employed by College;
- The College receives the Complainant's voluntary withdrawal in writing of any or all of the allegations, the Title IX Coordinator or designee declines to initiate a complaint, and the College determines that, without the Complainant's withdrawn allegations, the conduct that remains alleged in the Complaint, if any, would not constitute Prohibited Conduct even if proven; or
- The College determines the conduct alleged in the Complaint, even if proven, would not constitute Prohibited Conduct. Before dismissing the Complaint, the College will make reasonable efforts to clarify the allegations with the Complainant.

Upon dismissal, the College will promptly notify the Complainant in writing of the basis for the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, then the College will notify the Parties simultaneously in writing.

The College will notify the Complainant that a dismissal may be appealed on the bases outlined in the Appeals section below. If dismissal occurs after the Respondent has been notified of the allegations, then the College will also notify the Respondent that the dismissal may be appealed on the same bases. If a dismissal is appealed, the College will follow the procedures outlined in the Appeals section.

When a Complaint is dismissed, the College will, at a minimum:

- Offer supportive measures to the Complainant as appropriate;
- If the Respondent has been notified of the allegations, offer supportive measures to the Respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator or designee to ensure that Prohibited Conduct does not continue or recur within the College's education program or activity.

#### **E. Review of Complainant Requests for Anonymity or Not to Proceed with Investigation**

A Complainant may request that their name or other personally-identifiable information not be shared with a Respondent and/or that no investigation be pursued. In such circumstances, before taking any further investigative steps, the Title IX Coordinator or designee will discuss any

concerns with the Complainant and seek to address and remedy any barriers to reporting and/or participation based upon concerns about retaliation or any lack of clarity in understanding procedural options and potential outcomes.

In the absence of a Complaint or the withdrawal of any or all of the allegations in a Complaint, and in the absence or termination of a voluntary informal resolution process, the Title IX Coordinator or designee will make a fact-specific determination regarding whether to initiate an investigative resolution process. To make this determination, the Title IX Coordinator or designee will consider, at a minimum, the following factors: the Complainant's request that the College not proceed with the initiation of a Complaint; the Complainant's reasonable safety concerns; the risk that additional acts of misconduct would occur if a Complaint is not initiated; the severity of the alleged misconduct, including whether the misconduct, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the misconduct and prevent its recurrence; the age and relationship of the Parties, including whether the Respondent is an employee; the scope of the alleged misconduct, including information suggesting a pattern, ongoing misconduct, or misconduct alleged to have impacted multiple individuals; the availability of evidence to assist a decisionmaker in determining whether misconduct occurred; and whether the College could end the alleged misconduct and prevent its recurrence without initiating a Complaint.

If, after considering these and other relevant factors, the Title IX Coordinator or designee determines that the conduct as alleged presents an imminent and serious threat to the health or safety of the Complainant or other person, or that the conduct as alleged prevents the College from ensuring equal access on the basis of sex to its education program or activity, the Title IX Coordinator or designee may initiate or continue an investigative resolution process as described below. The College will seek to respect the request of the Complainant, and where it cannot do so, the College will consult with the Complainant and keep the Complainant informed about the chosen course of action. In such situations, prior to initiating or continuing investigative resolution, the Title IX Coordinator or designee will notify the Complainant and appropriately address reasonable concerns about the Complainant's safety or the safety of others, including by providing supportive measures.

The College's ability to investigate and pursue disciplinary action may be limited when the identity of the Respondent is unknown or when a Complainant requests that their identity not be revealed to the Respondent.

If the Title IX Coordinator or designee does not initiate or continue investigative resolution, the Title IX Coordinator or designee will take other appropriate, prompt, and effective steps, in addition to steps necessary to effectuate the remedies provided to an individual Complainant, if any, to ensure that the misconduct does not continue within the College's education program or activity.

#### **F. Informal Resolution Process**

An informal resolution process may be initiated without filing a Complaint. It is not necessary to participate in informal resolution before filing a Complaint.

At any time prior to the completion of a formal resolution process, either Party may request an informal resolution of a complaint rather than an investigation and/or formal resolution by contacting the Title IX Coordinator or designee. The Title IX Coordinator or designee will assess the request for informal resolution against the severity of the alleged violation and the potential risks to campus community members. All parties and the Title IX Coordinator or designee must agree in writing to informal resolution for this option to be used. The Title IX Coordinator or designee will designate a College representative or outside service provider to facilitate a dialogue with the Parties in an attempt to reach a resolution. The Title IX Coordinator or designee can end such a process if it becomes unproductive and/or abusive. The matter will only be deemed resolved when the Parties expressly agree to an outcome that is acceptable to them which is approved by the Title IX Coordinator or designee in consultation with other appropriate College administrators as necessary. Either Party may withdraw from the informal resolution process at any time. The informal resolution process will be conducted in accordance with procedures specified by the Title IX Coordinator or designee, as determined in their sole discretion.

To proceed with informal resolution, the Title IX Coordinator or designee must obtain the Parties' voluntary, written consent to the informal resolution process. The College will not require or pressure a Party to participate in an informal resolution process or to engage in any particular form of informal resolution, and will not require waiver of applicable rights to participate in investigative resolution as a condition of enrollment or continuing enrollment, or employment or continuing employment, or exercise of any other right.

Informal resolution is not appropriate in all cases. The Title IX Coordinator or designee retains the discretion to determine which cases are or are not appropriate for informal resolution, and the College may decline to offer informal resolution despite one or more of the Parties' wishes. Factors considered by the Title IX Coordinator or designee in exercising this discretion may include but are not limited to whether the alleged Prohibited Conduct would present a future risk of harm to others. The College will not offer a VIR process if doing so would conflict with federal, state or local law.

Before the initiation of an informal resolution process, the College will provide the Parties with written notice of the following:

- The allegations;
- The requirements of the informal resolution process;
- That any Party has the right to withdraw from the informal resolution process and initiate or resume investigative resolution procedures at any time before the Parties sign a voluntary resolution agreement;
- That if the Parties agree to a resolution at the end of the informal resolution process, they cannot initiate or resume investigative resolution procedures arising from the same allegations;
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the Parties; and

- What information the College will maintain and whether and how the College could disclose such information for use in a formal resolution process if such a process is initiated or resumed (specifically, the College will not use in a formal resolution process communications with or through the facilitator that were created exclusively as part of the informal resolution process).

The individual designated to facilitate an informal resolution process will not be the same person as an investigator or decision-maker who participates in any investigative resolution involving the same parties. Any person designated to facilitate an informal resolution process will not have a conflict of interest or bias for or against complainants or respondents generally or a particular Complainant or Respondent.

Any person facilitating informal resolution will have received training regarding:

- The College's obligation to address Prohibited Conduct in its education program or activity;
- the scope of conduct that constitutes Prohibited Conduct, including the definition of sex-based harassment;
- all applicable notification requirements;
- the rules and practices associated with the College's involuntary resolution process; and
- how to serve impartially, including by avoiding conflicts of interest and bias.

If a matter is resolved through an informal resolution process, appeals of that resolution are not permitted.

The time frame for completion of informal resolution may vary, but the College will seek to initiate informal resolution or decline informal resolution (because either the Respondent or the College decide not to use it) within 10 business days of the Complainant's request. Where informal resolution is initiated, the College will strive to either complete the process or initiate or resume an investigative resolution process, as appropriate, within 21 days of the initiation of the involuntary resolution process.

## **G. Formal Resolution Procedures**

The College will utilize the following formal investigation and decision-making procedures to resolve all Complaints of Prohibited Conduct that are addressed through this Policy, and that are not otherwise resolved through an informal resolution process. The investigation procedures are the same for allegations of sex-based discrimination and sex-based harassment, even in cases that involve a student Party. The decision-making procedures vary between the two as detailed below.

### **1. General Provisions**

The College will treat Complainants and Respondents equitably, and its process will be prompt, fair, and impartial from the initial investigation to the final result.

The College requires that any Title IX Coordinator or designee, investigator, or decision-maker not have a conflict of interest or bias for or against complainants or respondents generally or a particular Complainant or Respondent.

The College's process will be conducted by officials (including investigators, decision-makers, and other persons responsible for implementing the College's procedures and/or who have the authority to modify or terminate supportive measures) who, at a minimum, receive annual training on: the issues related to Prohibited Conduct and on how to conduct an investigation and resolution process that protects the safety of the parties and promotes accountability; the College's obligations in responding to sex discrimination, as outlined in applicable Title IX regulations; how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias; and the meaning of the term "relevant" in relation to questions and evidence, and the types of evidence that are impermissible regardless of relevance.

The College presumes that the Respondent is not responsible for the alleged Prohibited Conduct; determinations regarding responsibility are made at the conclusion of the College's procedures.

## **2. Extensions of Time**

The College has established the following timeframes for the major stages of these procedures: 1) initial assessment (10 days); 2) investigation (75 days); 3) determination (21 days); and 4) appeal (10 days). The Title IX Coordinator and/or designee will keep the Parties apprised as to the process of the proceedings, including any reason for delay. The College has established the following process that allows for the reasonable extension of time frames on a case-by-case basis for good cause with written notice of any extension to the parties that includes the reason for the delay:

- A Party who wishes to request an extension of any deadline established by this process, should make that request via email to the person who established the deadline.
- The person who established the deadline will inform the requesting Party promptly regarding whether the requested extension will be granted, modified, or denied.
- The person who established the deadline may in their discretion determine it necessary to allow the non-requesting party an opportunity to respond to the request prior to making a determination on the request.
- When an extension is granted in whole or in part, the non-requesting Party will be notified and will receive a corresponding extension for the other Party's compliance with any similar deadline, as applicable.

The College may also extend timeframes for major stages of the procedures at its own discretion as necessary, and if it does so it will inform the Parties and summarize the reason for the extension.

## **3. Privacy**

The College will take reasonable steps to protect the privacy of the Parties and witnesses during these procedures, which will include requiring the Parties and any advisors to sign an agreement that they will not download, copy, photograph, otherwise reproduce, publish, or distribute any

evidence that is provided to them for review through these procedures. These steps will not restrict the ability of the Parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, support persons or advisors; or otherwise prepare for or participate in the procedures. The Parties cannot engage in retaliation, including against witnesses.

#### **4. Neutral evaluation of evidence**

Parties and witnesses may present all evidence they believe to be relevant to the investigator and/or decision-maker.

The College will objectively evaluate all evidence that is relevant and not otherwise impermissible—including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness.

Through procedures outlined below, the College will provide an equal opportunity for the Parties to present fact witnesses and other inculpatory and exculpatory evidence that is relevant and not otherwise impermissible. The College will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

#### **5. Impermissible evidence**

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by the College to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- Evidence that is protected under a privilege recognized by federal or state law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A Party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the Party or witness, unless the College obtains that Party's or witness's voluntary, written consent for use in this process; and
- Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless such evidence is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent to alleged sex-based harassment. The fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

#### **6. Notice of Investigatory Meeting**

The College will provide to a Party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the Party to prepare to participate.

## **7. Advisors**

The College will provide the Parties with the same opportunities to be accompanied to any meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, subject to the following:

- The College will not limit the choice or presence of the advisor for the Complainant or Respondent in any meeting or proceeding.
- The College has established restrictions regarding the extent to which the advisor may participate in the College's process. Specifically, advisors may during any meetings or proceedings held under this Policy confer in a non-disruptive manner with the Party they are advising and engage in any other activities explicitly permitted in the context of live hearings where applicable to the extent outlined below, but they may not advocate on behalf of the Party, disrupt proceedings, or otherwise engage in conduct deemed by an investigator and/or decision-maker to be inappropriate to their limited role within the process. Advisors who do not conform their behavior to these requirements may be excluded from the process. These restrictions will apply equally to the advisors for each Party, if any.

## **8. Written Notice of Allegations**

Upon initiation of these procedures, the College will notify the Parties in writing of the following with sufficient time for the Parties to prepare a response before any initial interview:

- These procedures and their right to request an informal resolution process at any time;
- Sufficient information available at the time to allow the Parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute Prohibited Conduct, and the date(s), time(s) and location(s) of the alleged incident(s);
- Which College policies were allegedly violated and by what actions;
- That retaliation against any Party or witness is prohibited;
- The College presumes that the Respondent is not responsible for the alleged Prohibited Conduct and that determinations regarding responsibility are made at the conclusion of the College's procedures. Prior to such a determination, the Parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decision-maker;
- The Parties may have an advisor of their choice who may be, but is not required to be, an attorney;
- The name and contact information of the investigator and how to challenge participation by the investigator on the basis of a conflict of interest or bias;
- The importance of preserving any potentially relevant evidence in any format, including evidence that may assist in proving that an alleged criminal offense occurred or may be helpful in obtaining a protection order;

- The Parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence and an investigative report that summarizes this evidence; and
- The College’s Community Standards (for students) and/or this Policy prohibit student and employee witnesses from knowingly making false statements or knowingly submitting false information during these procedures.

The College will provide the Parties with a copy of the College’s policies regarding the submission and consideration of evidence that may be used during any hearing or disciplinary proceeding, as applicable.

If, in the course of an investigation, the College decides to investigate additional allegations of Prohibited Conduct by the Respondent toward the Complainant that are not included in the written notice or that are included in a consolidated Complaint, it will provide written notice of the additional allegations to the Parties.

## **9. Investigation Procedures**

The College will provide for adequate, reliable, and impartial investigation of Complaints. The burden is on the College—not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether Prohibited Conduct occurred.

The College endeavors to complete the investigation process within 75 days from the date when the notice of investigation was sent to the Parties, unless that timeframe is extended for good cause as discussed above.

### **a. Investigator**

The Title IX Coordinator or designee will either investigate a complaint themselves or appoint an investigator or investigators, internal or external, at the Title IX Coordinator or designee’s discretion. The Title IX Coordinator or designee will inform the Parties of the identity of the investigator.

Parties may object to the investigator based on grounds that the investigator has a bias toward Complainants or Respondents generally or a particular Complainant or Respondent, or has a conflict of interest. Any such objections must be raised within 3 business days.

The Title IX Coordinator or designee will decide whether to sustain or deny such objections within 5 business days of receiving a Party’s objection. If the Title IX Coordinator or designee sustains the objection, an alternate investigator will be appointed following the procedures in this section.

### **b. Conduct of Investigations**

In conducting an investigation, the investigator may meet separately with any Party who is participating in the investigation, with the reporter (if applicable), and other witnesses.



Witnesses must have observed the acts in question or have information relevant to the incident and cannot be participating solely to speak about an individual's character. The Parties will be given equal opportunities to identify fact witnesses. The Parties should indicate the general subject matter of the information the witness is likely to have. The decision to interview witnesses is at the discretion of the investigator.

The Parties may provide inculpatory or exculpatory evidence to the investigator at a time or times deemed appropriate by the investigator.

The investigator may gather relevant physical and medical evidence, relevant communications between the Parties, and other relevant information offered by either Party or discovered independently by the investigator.

### **c. Investigative Report**

Once the investigator has conducted interviews and gathered evidence as they deem necessary, they will write a preliminary investigative report that summarizes the evidence, and create an appendix that consists of all of the relevant and not otherwise impermissible evidence gathered to that point in the investigation.

The preliminary investigative report will not contain any recommendation regarding responsibility.

The investigator and/or the Title IX Coordinator or designee will provide each Party and the Party's advisor, if any, with an equal opportunity to access the preliminary investigative report and the appendix, through a secure electronic file-sharing platform or other means as appropriate.

The Parties will have 10 business days to review the preliminary investigative report and prepare a written response. The investigator or Title IX Coordinator or designee will share any written response submitted by one Party with the other Party, through a secure electronic file-sharing platform.

The investigator will consider the Parties' written responses to the preliminary investigative report, if any, will decide whether to conduct any additional investigation. If additional investigation is performed, the investigator or Title IX Coordinator or designee will create a supplement to the investigative report and supplemental appendix as necessary. The Parties will then have time to review and respond in writing to any supplemental preliminary report.

### **d. Final Investigative Report**

When the investigator determines that it is appropriate to conclude the investigation, they will prepare a final investigative report. The final investigative report will contain the investigator's recommended findings of fact and the investigator's recommendations as to whether the Respondent should or should not be found responsible for some or all of the alleged Prohibited Conduct at issue.

The Parties will be provided with access to the final investigative report and the appendix through a secure file-sharing platform. If they wish to do so, each Party may, within 10 business days, prepare and submit to the Title IX Coordinator or designee a written response to the final investigative report, for consideration by the decision-maker as provided below.

## **10. Decision-making Procedures**

As explained below, one type of decision-making procedure will be used to resolve matters involving alleged sex-based harassment where one or more of the Parties is a student, and another type of decision-making procedure will be used in all other cases. When a Party is both a student and an employee, the College will make a fact-specific inquiry focused on whether the Party's primary relationship with the postsecondary institution is to receive an education and whether the alleged Prohibited Conduct occurred while the Party was performing employment-related work.

### **a. Decision-making Procedure for Sex-Based Harassment Complaints Where One or More of the Parties Is a Student**

The following decision-making procedures, which will include a live, remote hearing process, will apply to resolve matters involving alleged sex-based harassment where one or more of the Parties is a student. If the allegations under investigation in such a matter also involve allegations that the Respondent also engaged in another type of Prohibited Conduct or another College policy violation arising out of the same incident or incidents, all of the allegations will be resolved under the procedures outlined in this sub-section.

The Title IX Coordinator or designee will appoint at their discretion one or more decision-makers (referred to as "decision-maker" in the remainder of this Policy for the sake of brevity), who may be internal or external to the College. The Title IX Coordinator or designee will inform the Parties of the identity of the decision-maker and will provide the Parties with 3 business days to submit to the Title IX Coordinator or designee any objection to the appointment of the decision-maker based on grounds that the decision-maker has a bias toward Complainants or Respondents generally or a particular Complainant or Respondent, or has a conflict of interest. The Title IX Coordinator or designee will decide whether to sustain or deny such objections within 5 business days of receiving a Party's objection, and appoint an alternate decision-maker as necessary, following the same procedure.

In advance of the hearing, the Title IX Coordinator or designee will provide to the decision-maker: 1) the final investigative report; 2) the appendix to the final investigation report; and 3) the Parties' written responses to the investigation report, if any. The Title IX Coordinator or designee will inform the Parties that if they wish to do so, they may submit in writing to the Title IX Coordinator or designee questions that they know in advance that they would like their advisor to pose to the other Party and/or any witnesses who participate in the hearing. Any such questions should be numbered for ease of identification, and should be submitted no later than 2 business days before the scheduled date of the hearing, so that the Title IX Coordinator or designee can forward them to the decision-maker for their consideration.

Hearings will be conducted through a secure virtual meeting platform with the Parties physically present in separate locations, with technology enabling the decision-maker and Parties to simultaneously see and hear the other Party or witness while that person is speaking. At no time during the hearing process will either Party be permitted to address the other Party or question the other Party or witnesses directly. The College will create an audio or audiovisual recording or transcript of any live hearing and make it available to the Parties for inspection and review.

The decision-maker will have broad discretion over the order of proceedings during the hearing. Subject to that discretion, the decision-maker will ordinarily ask the questions of each Party and witness that the decision-maker wishes to ask, then will allow the Parties' advisors to ask approved pre-submitted questions of the other party and/or witnesses, as well as any non-duplicative, relevant and otherwise not impermissible follow-up questions that the Parties' advisors wish to ask. Before permitting a Party or witness to answer a question posed, the decision-maker will determine whether the question is relevant and not otherwise impermissible, and will explain either before or during the hearing any decision to exclude a question as not relevant or otherwise impermissible. Questions that are unclear or harassing of the Party or witness being questioned will not be permitted. The decision-maker will give a Party's advisor an opportunity to clarify or revise a question that the decision-maker determines is unclear or harassing. If the Party sufficiently clarifies or revises the question, the decision-maker will allow the question to be asked. It should be noted in this context that repetitive questions are not relevant because if they have already been asked and answered substantively by a Party or witness, further similar answers to such questions would not aid the decision-maker in determining whether sex-based harassment occurred. The Parties shall not be personally allowed to directly question each other during the hearing.

If a Party or witness refuses to respond to a question that was asked by the decision-maker and/or a question posed by a Party that was deemed relevant and not otherwise impermissible, the decision-maker may choose to place less or no weight upon statements by a party or witness who refuses to respond to such questions. The decision-maker will not draw an inference about whether sex-based harassment occurred based solely on a Party's or witness's refusal to respond to such questions.

Following their evaluation of all relevant and not otherwise impermissible evidence, the decision-maker will use the preponderance of the evidence standard to determine whether sex-based harassment, any other Prohibited Conduct and/or any other conduct prohibited by College policy being addressed through the process occurred. The standard of proof requires the decision-maker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decision-maker is not persuaded under the applicable standard by the evidence that Prohibited Conduct or other misconduct occurred, whatever the quantity of the evidence is, the decision-maker will not determine that Prohibited Conduct occurred.

The decision-maker will prepare a written determination regarding whether Prohibited Conduct occurred, which will include the following:

- A description of the alleged Prohibited Conduct;

- Information about the policies and procedures that the College used to evaluate the allegations;
- The decision-maker's evaluation of the relevant and not otherwise impermissible evidence and determination whether Prohibited Conduct occurred;
- If the decision-maker finds that Prohibited Conduct occurred, any disciplinary sanctions the College will impose on the Respondent, whether remedies other than the imposition of disciplinary sanctions will be provided by the College to the Complainant, and, to the extent appropriate, other students identified by the College to be experiencing the effects of Prohibited Conduct; and
- The College's procedures and permissible bases for the Complainant and Respondent to appeal, as provided in the Appeal section below.

The written determination will also provide a decision and rationale as to any finding regarding responsibility for any other alleged College policy violations addressed through this Policy.

Sanction and remedy-related issues that will apply to all matters addressed through this Policy are outlined at section VIII.H. below.

The College will comply with these procedures before the imposition of any disciplinary sanctions against a Respondent, and it will not discipline a Party, witness, or other person participating in this process for making a false statement based solely on the determination of whether Prohibited Conduct occurred.

The Parties will be informed in writing of the results of the hearing not later than 7 business days after a final determination of a Complaint, unless good cause for additional time is shown. A written determination regarding responsibility becomes final either on the date that the College provides it to the Parties with the written determination of the result of any appeal, or, if no Party appeals, the date on which an appeal would no longer be considered timely.

The College endeavors to complete the determination process in matters addressed through the procedures outlined in this sub-section within 21 days from the date when the final investigative report and appendix and any Party written response were provided to the decision-maker, unless that timeframe is extended for good cause as discussed above.

#### **b. Decision-making Procedures for All Other Complaints**

The following decision-making procedures, which will not include a live hearing process, will apply to resolve any and all matters that fall within the scope of this Policy in which neither Party is a student. If the Complaint involves allegations that the Respondent also engaged in misconduct outside the scope of this Policy arising out of the same incident or incidents, all of the allegations involving violations of College policy will be resolved under the procedures outlined in this sub-section.

The Title IX Coordinator or designee will appoint at their discretion one or more decision-makers (referred to as "decision-maker" in the remainder of this Policy for the sake of

brevity), who may be internal or external to the College. The Title IX Coordinator or designee will inform the Parties of the identity of the decision-maker, and will provide the Parties with 3 business days to submit to the Title IX Coordinator or designee any objection to the appointment of the decision-maker based on grounds that they have a bias toward complainants or respondents generally or a particular Complainant or Respondent, or have a conflict of interest. The Title IX Coordinator or designee will decide whether to sustain or deny such objections within 5 business days of receiving a Party's objection, and appoint an alternate decision-maker as necessary, following the same procedure.

The Title IX Coordinator or designee will provide to the decision-maker: 1) the final investigation report; 2) the appendix to the final investigation report; and 3) the Parties' written responses to the investigation report, if any. The decision-maker will determine based on those materials whether the decision-maker needs to question a Party or witnesses in order to adequately assess their credibility to the extent credibility is both in dispute and relevant to evaluating the allegations of Prohibited Conduct, or whether those issues are addressed sufficiently in the investigator's report. If the decision-maker decides to question a Party or witness, they will do so through an interview with the Party or witness. Any such interviews will be audio-recorded and transcribed, and the Parties will be provided with access to the transcripts and a 5 calendar day period in which to prepare and submit any written response to the information gathered in such interviews that they wish to provide. Parties may be accompanied in such interviews by an advisor and/or support person. The role of advisors and support persons in such interviews will be limited on the same terms as the role of advisors and support persons in interviews by investigators, as outlined above.

After evaluating all relevant and not otherwise impermissible evidence, the decision-maker will use the preponderance of the evidence standard to determine whether Prohibited Conduct occurred. The standard of proof requires the decision-maker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decision-maker is not persuaded under the applicable standard by the evidence that Prohibited Conduct occurred, whatever the quantity of the evidence is, the decision-maker will not determine that Prohibited Conduct occurred.

The decision-maker or Title IX Coordinator or designee will notify the Parties in writing of the determination whether Prohibited Conduct occurred, the rationale for such determination, and the procedures and permissible bases for the Complainant and Respondent to appeal under the Appeal procedures outlined below.

The College will not impose discipline on a Respondent for Prohibited Conduct unless there is a determination at the conclusion of the College's procedures that the Respondent engaged in Prohibited Conduct.

The College endeavors to complete the determination process in matters addressed through the procedures outlined in this sub-section within 21 days from the date when the final investigative report and appendix and any Party written responses were provided to the decision-maker, unless that timeframe is extended for good cause as discussed above.

## **H. Sanction and Remedy-Related Issues**

The decision-maker will draft the written determination that includes a description of any disciplinary sanctions the College will impose on the Respondent.

The College will not impose discipline on a respondent for Prohibited Conduct unless there is a determination at the conclusion of the College's procedures that the Respondent engaged in Prohibited Conduct.

If there is a determination that Prohibited Conduct occurred, as appropriate, the Title IX Coordinator or designee will:

- Coordinate the provision and implementation of remedies to a Complainant and other people the College identifies as having had equal access to the College's education program or activity limited or denied by sex discrimination;
- Coordinate the imposition of any disciplinary sanctions on a Respondent, including notification to the Complainant of any such disciplinary sanctions; and
- Take other appropriate prompt and effective steps to ensure that Prohibited Conduct does not continue or recur within the College's education program or activity.

The decision-maker will determine what sanctions are appropriate for the Respondent, in light of the information in the determination provided by the decision-maker and the factors outlined below. Once the decision-maker has determined appropriate sanctions, they will inform the decision-maker of those sanctions, so that the decision-maker can incorporate them into the written determination to be provided to the Parties.

In determining appropriate sanctions, the decision-maker will consider what sanctions are appropriate to address the misconduct, prevent its recurrence, and remedy its effects, and that some behavior is so harmful to the College community or so deleterious to the educational process that it may require serious sanctions or interventions, such as removal from College housing, removal from specific courses or activities or suspension, expulsion from the College or termination of employment. If a Respondent is found to have violated this Policy, a determination of appropriate sanctions will include consideration of the nature and circumstances of the misconduct; the impact of the misconduct on the Complainant and/or on others in the College community; the disciplinary history of the Respondent; and any other mitigating or aggravating circumstances. Sanctions may include;

- Expulsion;
- Termination of employment;
- Suspension of enrollment or employment;
- Probation;
- Reprimand;
- Warning;
- Restitution;
- Education/counseling requirements;
- Restrictions on participation in a College program or activity;

- Loss of privileges;
- Loss of leadership opportunities or positions;
- Housing restriction;
- For tenured faculty Respondents, referral to the College’s process for the termination of tenure located in the Faculty Handbook; and/or
- Restrictions on employment by the College.

The College anticipates that the determination stage of the process will take approximately 21 days from the time when the final investigation report, appendix and any party written statements are provided to the decision-maker.

## **I. Appeals**

The College will offer an appeal from a dismissal or determination whether Prohibited Conduct occurred on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the determination or dismissal was made, and, in cases where a sanction was imposed, which likely would have changed the sanction imposed had it been available; and
- The Title IX Coordinator or designee, investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that would change the outcome or, in cases where a sanction was imposed, would change the sanction.

Appeals must be filed in writing within 10 days of the date when the College provides notice to the appealing party of the dismissal or determination being appealed. Appeals should consist of a written statement challenging the dismissal or determination being appealed, framed within one or more of the limited grounds of appeal outlined above.

If a Party appeals a dismissal or determination whether Prohibited Conduct occurred, the College will:

- Notify the parties in writing of any appeal, including notice of the allegations, if notice was not previously provided to the Respondent;
- Implement appeal procedures equally for the Parties;
- Ensure that the decision-maker for the appeal (“the appellate officer”) did not take part in an investigation of the allegations or dismissal of the Complaint;
- Ensure that the appellate officer has been trained consistent with this Policy;
- Notify the Parties of the identity of the appellate officer;

- Communicate to the parties in writing that the College will provide the Parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the Parties in writing of the result of the appeal and the rationale for the result.

The appellate officer will be appointed by the Title IX Coordinator or designee, unless the ground of appeal is that the Title IX Coordinator or designee had a bias or conflict of interest; in such cases, the Senior Vice President of Student Affairs/Success and Chief Operating Officer or designee will appoint the appellate officer. The appointing officer will provide the parties with 3 business days to submit to the Title IX Coordinator or designee any objection to the appointment of the appellate officer based on grounds that the appellate officer has a bias toward complainants or respondents generally or a particular Complainant or Respondent, or has a conflict of interest. The appointing official will decide whether to sustain or deny such objections within 5 business days of receiving a Party's objection, and appoint an alternate appellate officer as necessary, following the same procedure.

The Title IX Coordinator or designee will make the appealing Party's written appeal document available to the other Party for review. A Party who did not file an appeal may, if they wish to do so, submit to the Title IX Coordinator or designee within 3 days of receiving access to the appealing Party's written statement a written statement in support of the outcome.

If both or multiple Parties file appeals, all other Parties will receive a reasonable and equal opportunity to submit a written statement in support of, or challenging, the outcome, consistent with the process and time periods stated above.

The appeal is an impartial review of the information considered by the decision-maker, in light of one or more of the grounds of appeal. The appeal is not a new investigation of the merits of the matter. The appellate officer may affirm, reject or modify the decision of the decision-maker, or may direct the decision-maker to reconsider certain findings. The appellate officer will issue a written decision describing the result of the appeal and the rationale for the result. The Title IX Coordinator or designee will simultaneously communicate the appeal determination to the Parties within three (3) work days of the appellate officer's decision.

Sanctions of all types may be imposed while an appeal is pending at the sole discretion of the College.

The College endeavors to complete the appeals process within 10 days from the date when the appeal was filed, unless that timeframe is extended for good cause as discussed above.

## **IX. Records Maintained**

All records related to complaint resolution will be maintained for seven (7) years by the Title IX Coordinator or designee, including:

- For each complaint of Prohibited Conduct, records documenting any informal resolution process or formal resolution process, and the resulting outcome;



- For each notification the Title IX Coordinator or designee receives of information about conduct that reasonably may constitute Prohibited Conduct, records documenting the actions the College took in response; and
- All materials used to provide training regarding issues related to Prohibited Conduct. The College will provide an on-campus, in-person opportunity for members of the public to review such materials upon request, in the presence of a College official.

An audio-recording or transcript of a hearing and any documents or other evidence presented at a hearing will serve as the record of the hearing proceedings and will be maintained by the Title IX Coordinator or designee, as part of the Respondent’s conduct record for as long as the conduct record is maintained.

**X. Training, Prevention and Awareness Programs**

The College provides training to students and employees to ensure they understand this Policy and the topics and issues related to maintaining an education and employment environment free from Prohibited Conduct.

- The College will provide to all employees training on:
  - The College’s obligation to address Prohibited Conduct in its education program or activity;
  - The scope of conduct that constitutes Prohibited Conduct, including the definition of sex-based harassment; and
  - All applicable notification and information requirements.
- The College will, in addition to the training provided to all other employees, provide to investigators, decision-makers, appellate officers and other persons who are responsible for implementing resolution procedures described in this Policy or have the authority to modify or terminate supportive measures training on the following topics to the extent related to their responsibilities:
  - The College’s obligations to respond to Prohibited Conduct, as required by federal regulations;
  - The resolution process described in this Policy;
  - How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;
  - The meaning and application of the term “relevant” in relation to questions and evidence, and the types of evidence that are impermissible regardless of relevance as described above; and

- o Training, annually, on issues relating to Prohibited Conduct, investigatory procedures and any applicable hearing procedures to protect the safety and rights of students and employees and promote accountability, which will include:
  - information on working with and interviewing persons subjected to Prohibited Conduct;
  - information on particular types of conduct that constitute Prohibited Conduct;
  - information on consent and the role drugs and alcohol may play in an individual's ability to consent;
  - the effects of trauma, including any neurobiological impact on an individual;
  - cultural competence training regarding how Prohibited Conduct may impact individuals differently depending on factors that contribute to an individual's cultural background, including, but not limited to, national origin, sex, ethnicity, religion, gender identity, gender expression and sexual orientation;
  - ways to communicate sensitively and compassionately with a reporting party of Prohibited Conduct including, but not limited to, an awareness of responding to a reporting Party with consideration of that Party's cultural background and providing services to or assisting in locating services for the reporting Party;
  - training and information regarding how Prohibited Conduct may impact individuals with developmental or intellectual disabilities; and
  - training on the principles of due process necessary to ensure that proceedings are conducted impartially in a manner that is fundamentally fair to all Parties.
- The College will, in addition to the training provided to all other employees, provide to facilitators of the College's informal resolution process training on the rules and practices associated with that process and on how to serve impartially, including by avoiding conflicts of interest and bias.
- The College will ensure the Title IX Coordinator or designee and designees receive training on their specific responsibilities in those roles as defined by federal regulations, the College's obligations to prevent discrimination and ensure equal access based on pregnancy and related conditions, respond to Prohibited Conduct and provide supportive measures as required by federal regulations, keep records as required by federal regulations, and any other training necessary to coordinate the College's compliance with Title IX.

- The College will provide training to its Title IX Coordinator or designee and its campus safety personnel regarding the awareness and prevention of sexual misconduct.

The College is committed to the prevention of Prohibited Conduct through regular and ongoing education and awareness programs. Incoming students and new employees receive primary prevention and awareness programming as part of their orientation, and returning students and current employees receive ongoing training and related education.

## **XI. Pregnancy and Related Conditions**

### **A. Nondiscrimination on the Basis of Pregnancy and Related Conditions**

In considering a person for admission or in making any offer of admission, the College will treat pregnancy or related conditions in the same manner and under the same policies as any other temporary medical condition. The College will not make pre-admission or pre-employment inquiry as to the marital status of an applicant, including whether an applicant is “Miss or Mrs.” The College may ask an applicant to self-identify their sex, but only when asking this question of all applicants. The response will not be used as a basis for discrimination.

The College will not adopt or apply any policy, practice, or procedure, or take any employment action, concerning the current, potential, or past parental, family, or marital status of a student, employee, or applicant that treats persons differently on the basis of sex, or which is based upon whether an employee or applicant for employment is the head of household or principal wage earner in an employee’s or applicant’s family unit. The College will not discriminate against, establish or follow any policy, practice, or procedure that discriminates against, or exclude from employment any person on the basis of current, potential, or past pregnancy or related conditions.

### **B. Voluntary Student Participation in Separate Education Programs or Activities**

The College may offer students voluntary participation in a separate portion of a College program or activity that is comparable to what is offered to students who are not experiencing pregnancy or related conditions.

### **C. No Requirement of Medical Certification for Student Participation**

The College will not require a student, due to pregnancy or related conditions, to provide certification from a physician or other licensed healthcare provider that the student is physically able to participate in classes, programs, or student activities unless necessary, required for all participating students, and not used as a basis for discrimination.

### **D. Leaves of Absence**

#### **1. Student Leaves of Absence**

A student experiencing pregnancy or related conditions is allowed a voluntary leave of absence to cover, at minimum, the period of time deemed medically necessary by the student’s physician

or other licensed healthcare provider. If another College leave policy allows a greater span of time than this period, the student is permitted to take leave under that policy instead. Upon return, the student will be reinstated to the academic and, as practicable, extracurricular status that the student held when the leave began.

## **2. Employee Leaves of Absence**

In the event a College employee is not otherwise qualified for a leave, or if no leave or insufficient leave is available, pregnancy or related conditions is a justification for a voluntary leave of absence without pay for a reasonable period of time, at the conclusion of which the employee shall be reinstated to the status held when the leave began or to a comparable position, without decrease in rate of compensation or loss of promotional opportunities, or any other right or privilege of employment.

### **E. Lactation-Related Accommodations for Students and Employees**

The College will provide reasonable break time for a student or employee to express breast milk or breastfeed as needed, and will make available a lactation space, other than a bathroom, that is clean, shielded from view, free from intrusion from others, and may be used by a student or employee for expressing breast milk or breastfeeding as needed.

### **F. Student and Employee Rights to Reasonable Modifications or Temporary Adjustments**

Students are entitled to reasonable modifications to College policies, practices, or procedures because of pregnancy or related conditions on an individualized and voluntary basis depending on the student's needs when necessary to prevent discrimination and ensure equal access, unless the modification would fundamentally alter a College program or activity; these may include, but are not limited to: breaks to attend to health needs, including for expressing breast milk or breastfeeding; excused absences to attend medical appointments; access to online instruction; changes in schedule or course sequence; extensions of time for coursework; rescheduling of tests and examinations; counseling; changes in physical space or supplies; or elevator access. Such modifications will be comparable to the treatment of other temporary disabilities or conditions. The College will consult with the student regarding what reasonable modifications are necessary for the student.

The College will not require students to provide supporting documentation unless necessary and reasonable to determine reasonable modifications. The College will not require documentation: when the need for the specific modification is obvious; when the student has previously provided sufficient supporting documentation; when the reasonable modification relates to drinking water, using a bigger desk, and/or the need to sit, stand, or take breaks to eat, drink, or use the restroom; when the student has lactation needs; or when the requested specific modification is available to students for reasons other than pregnancy or related conditions without the submission of supporting documentation.

With respect to employees, the College will treat pregnancy or related conditions as it would any other temporary disability or condition for all job-related purposes, including, where appropriate, the provision of temporary adjustments.

**G. Requirement to Provide Information to Students Experiencing Pregnancy or Related Conditions**

When any College employee (including both Responsible Employees and Confidential Employee) is informed by a student of that student's pregnancy or related conditions, the employee must, unless the Employee reasonably believes that the Title IX Coordinator or designee has already been notified of the student's pregnancy or related conditions, promptly inform the student of the Title IX Coordinator or designee's contact information and that the Title IX Coordinator or designee can coordinate specific actions to prevent sex discrimination and ensure equal access to the College's program or activity.