

William James College

Title IX, Sexual Harassment Policy

2.14.23

Introduction

William James College (the “College”) is committed to ensuring that all members of the College community, including students, faculty, and staff, enjoy a safe and healthy learning, living, and working environment, free from all forms of discrimination and harassment.

The College does not discriminate on the basis of sex in its education program or any activities that it operates, pursuant to Title IX of the Education Amendments of 1972 (“Title IX”). The requirement that the College not discriminate on the basis of sex in its education program and activities extends to admission and employment. This Title IX Sexual Harassment Policy (the “Policy”) prohibits sexual harassment, which includes sexual assault, dating violence, domestic violence and stalking, and retaliation as defined by Title IX, and outlines the procedures for resolution of reports of such conduct, consistent with the Title IX Regulations, effective August 14, 2020.

The Policy applies to all members of the College community, including, but not limited to, students, faculty, librarians, staff, visitors, contractors, and applicants for employment or admission, or any other person participating in an education program or activity of the College. The Policy applies to on-campus and off-campus conduct, as addressed more specifically within, including online and virtual, that takes place in the United States within an education program or activity.

The Policy is intended to comply with the reauthorized Violence Against Women Reauthorized Act of 2018 (“VAWA”), including the Campus SaVE Act, and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”).

To the extent any form of discrimination, harassment, or sexual misconduct is not covered by this Policy, such conduct is prohibited through the Policy Against Discrimination, Discriminatory Harassment, and Retaliation and the Student Code of Conduct.

I. Definitions

For the purposes of this Policy, the following definitions shall be applicable:

Actual Knowledge

“Actual knowledge” means notice of sexual harassment or allegations of sexual harassment to the Title IX Coordinator or any official of the College who has authority to institute corrective measures on behalf of the College. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the College. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the College with actual knowledge is the Respondent. “Notice” as used here includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator.

Advisor

An “Advisor” is person of a party’s choosing who may be present at any meeting or proceeding to assist the party through the grievance process, and who may inspect and review evidence. The person may, but is not required to be, an attorney. The Advisor is responsible for conducting any cross-examination at a hearing, but otherwise may provide only non-disruptive assistance to the party who selected them. If a party does not have an Advisor at a live hearing, an Advisor will be provided to the party without any cost for the sole purpose of providing non-disruptive assistance and conducting cross examination at the live hearing. Non-disruptive assistance shall mean, during investigative meetings and interviews, an advisor may speak to the party or engage in non-verbal communication with the party (i.e., pass notes), but shall not speak on behalf of the party. The College reserves the right to remove an Advisor who is disruptive and will postpone such meeting or proceeding to allow for another Advisor’s participation.

Appellate Officer

An “Appellate Officer” is a person who trained and authorized by the Title IX Coordinator or designee to conduct a review of a decision made regarding an emergency removal, dismissal of a complaint, or decision reached by a Decision Maker. The Appeal Officer will not be the same person as the Decision Maker who made a determination of responsibility or dismissal, the Investigator(s) or the College’s Title IX Coordinator.

Complainant

A “Complainant” is an individual who is alleged to be the victim of conduct that could constitute Sexual Harassment under this Policy.

Confidentiality of the Process

The identity of the individual who made a report or a complaint, any Complainant, Respondent, and any witnesses, except as may be permitted law or regulation, or to carry out the purpose of the Title IX Regulations, including the conduct of any investigation, hearing or proceeding that arises hereunder shall remain confidential. The College will maintain as confidential any Supportive Measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the College to provide Supportive Measures.

Consent

“Consent” means an informed, affirmative, conscious, voluntary, and mutual agreement to engage in sexual activity. It is the responsibility of the initiator to obtain clear and affirmative responses at each stage of sexual involvement. Each person involved in the sexual activity must willingly engage in the sexual activity. Lack of protest or resistance does not imply consent. Silence does not imply consent. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Consent cannot be obtained through unreasonable pressure or emotional manipulation to persuade another to engage in sexual activity. Consent can be withdrawn or revoked, so long as the withdrawal or revocation is clearly communicated.

A person who is incapacitated cannot consent. A person incapacitated by alcohol and/or drugs, whether voluntarily or involuntarily, may not give consent. Incapacitation due to alcohol or drugs is more severe than mere impairment or intoxication; context clues indicating incapacity

may include slurred speech, bloodshot eyes, the smell of alcohol on the breath, shaky equilibrium, vomiting, unusual behavior or unconsciousness. Context clues alone, however, do not necessarily indicate incapacitation.

Persons unable to consent due to incapacitation also include, but are not limited to: persons under sixteen (16) years of age; persons intellectually incapable of understanding the implications and consequences of the act or actions in question; and persons who are physically helpless, such as a person who is asleep, blacked out, involuntarily physically restrained, unconscious, or, for any other reason, unable to communicate consent.

Whether a person has taken advantage of a position of influence over a Complainant may be a factor in determining consent. A position of influence includes, but is not limited to, positions in which a person has supervisory or disciplinary authority.

A person who has been coerced into sexual activity has not consented to participate in that activity. Conduct can be considered coercive when a person makes it clear that they do not want to engage in sexual behavior, or they do not want to go beyond a certain point of sexual activity.

A person who is the object of actual or threatened force is not required to physically, verbally or otherwise resist the aggressor, and the lack of such resistance cannot be used as the sole indicator of consent.

Day

A day shall mean a calendar day, unless otherwise specified. In the event that good cause prevents the grievance process from being concluded in the time frames provided for in this Policy, the College will notify the parties of the need for additional time and best efforts will be made to complete the process as expeditiously as possible. in this Policy

Decision Maker

A “Decision Maker” is an individual who is trained and authorized to preside over the live hearing. Decision Makers shall determine the relevance of proposed questions at hearings, and issue written determinations of responsibility that include all findings, conclusions, sanctions/discipline, and remedies.

Education Program or Activity

“Education Program or Activity” includes all operations at the College, including events or circumstances at or in which the College maintains substantial control over both the Respondent and the context in which the alleged sexual harassment occurs. The Education Program includes (1) operations on property owned or controlled by the College, including networks, digital platforms, social media accounts, and computer hardware or software owned or operated by, or used by the College; and (2) off-campus incidents in which the College exercised substantial control over both the Respondent and the context in which the alleged conduct occurred.

Evidence

“Evidence” is relevant information presented to establish whether a fact is more or less true. The type and extent of evidence available in a given instance will differ based upon the facts surrounding the incident, but evidence shall include the parties’ own statements and the statements of witnesses. Evidence may be inculpatory or exculpatory. All information or evidence protected under a legally recognized privilege (e.g., the attorney-client privilege, the doctor-patient privilege) shall be excluded from consideration unless the privilege holder has waived the privilege in writing to the Title IX Coordinator.

Further, pursuant to Title IX and the Massachusetts Rape Shield Law (Mass. G.L. c. 233, § 21B), the Respondent or their Advisor is prohibited from questioning the Complainant’s alleged prior sexual behavior or alleged sexual reputation, unless (1) such evidence is offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or (2) the questions and evidence relate to specific incidents of the Complainant’s prior sexual behavior with respect to the Respondent, and are offered to prove consent. Outside of these exceptions, such information is not considered relevant.

Formal Complaint

A “Formal Complaint” is a document filed by a Complainant, or signed by the Title IX Coordinator, alleging Sexual Harassment against a Respondent, and which requests that the College investigate the allegation.

Investigator

An “Investigator” is a trained, impartial fact finder charged with investigating alleged violations of this Policy through methods including, but not limited to, interviewing the parties involved and witnesses, collecting and reviewing statements from witnesses and other relevant evidence, and providing an unbiased investigative report summarizing the relevant evidence based upon the investigation’s findings.

Preponderance of the Evidence

A “Preponderance of the Evidence” is the standard utilized by a Decision Maker in reviewing allegations of a formal complaint. Pursuant to this standard, the Decision Maker must determine, based upon the available information and evidence, whether it is “more likely than not” that the conduct in question occurred by the Respondent and, therefore, that this Policy was violated.

Respondent

A “Respondent” is an individual whom a Complainant has alleged to be the perpetrator of conduct that could constitute Sexual Harassment.

Retaliation

“Retaliation” is conduct that intimidates, threatens, coerces, or discriminates against any individual for the purpose of interfering with any right or privilege secured by Title IX or this Policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX or this Policy.

Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sexual harassment, but arise out of the same facts or circumstances as a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this Policy, constitute Retaliation.

The exercise of rights protected under the First Amendment does not constitute Retaliation. Charging an individual with a violation of another policy, including a code of conduct violation, for making a materially false statement in bad faith in the course of a grievance proceeding under this Policy does not constitute retaliation; however, a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

Sexual Harassment

“Sexual Harassment” is conduct on the basis of sex that satisfies one or more of the following conditions: (1) An employee of the College conditioning the provision of an aid, benefit, or service of the College on an individual’s participation in unwelcome sexual conduct; (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College’s education program or activity; or (3) “sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8) or “stalking” as defined in 34 U.S.C. 12291(a)(30).

(a) “Sexual Assault,” as defined in 20 U.S.C. 1092(f)(6)(A)(v), is any offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation, and includes attempts to commit any of these acts. Sexual Assault includes: (i) “Rape,” which is defined as the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person without the consent of the victim (or attempts to commit the same), and which includes any gender of victim or Respondent; (ii) “Fondling,” which is defined as the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances in which the victim is incapable of giving consent because of age and/or because of temporary or permanent mental incapacity; (iii) “Statutory Rape,” which is defined as sexual intercourse with a person who is under the statutory age of consent, which is 16 years old in Massachusetts; (iv) “Incest,” which is defined as the non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

(b) “Dating Violence,” as defined in 34 U.S.C. 12291(a)(10), is any act of violence or threatened violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based upon consideration of the following factors: (i) the length of the relationship, (ii) the type of relationship, and (iii) the frequency of interaction between the persons involved in the relationship. “Dating Violence” includes, but is not limited to, sexual, emotional or physical abuse, or the threat of such abuse.

(c) “Domestic Violence,” as defined in 34 U.S.C. 12291(a)(8), includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by

a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against a victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

(d) "Stalking," as defined in 12291(a)(30), is conduct directed (directly, indirectly, through a third party or other means) at a specific person that would cause a reasonable person to— (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress. For the purposes of this Policy, the behaviors must be directly related to that person's sex.

Supportive Measures

"Supportive Measures" means non-disciplinary, non-punitive individualized services offered as appropriate and reasonably available, and without fee or charge, to the Complainant or the Respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Supportive Measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, restrictions regarding areas of campus, leaves of absence, statutorily provided leave to employees, and other similar measures. The College shall keep confidential any Supportive Measures provided to either the Complainant or the Respondent, to the extent that maintaining such confidentiality would not impair the ability of the College to provide Supportive Measures. The Title IX Coordinator shall be responsible for coordinating the effective implementation of Supportive Measures.

Title IX Coordinator

"Title IX Coordinator" is the designated administrator at the College responsible for the coordinated efforts to comply with the Title IX Regulations and the administration of this Policy.

II. Prohibited or Discouraged Conduct and Relationships

A. Prohibited Conduct

This Policy prohibits all conduct falling under the definitions of "Sexual Harassment" and "Retaliation."

B. Prohibited Relationships

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

C. Discouraged Relationships

The College strongly discourages, romantic and/or sexual relationships, consensual or otherwise, between faculty members, administrators or staff members and a student. Further, the College strongly discourages consenting romantic and/or sexual relationships between supervisors and subordinates, or between co-workers, as these relationships may interfere with or impair the ability of employees to perform their professional duties and responsibilities and/or create an appearance of bias or favoritism. In addition, such relationships could result in claims of sexual harassment and retaliation.

D. Consensual Relationships

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

III. Reporting Sexual Harassment

A. Right Not to Make a Complaint

Complainants have the right to not make a complaint.

B. Making a Report

1. Who May Report

Any person may report sex discrimination, including sexual harassment, whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment. Reporting such behavior to the Title IX Coordinator triggers the responsibility of the Title IX Coordinator to contact a Complainant, consistent with Section V below. The Title IX Coordinator shall provide the Complainant with a written notification of rights provided for in Appendix II, regardless of whether a Formal Complaint is made. *See Appendix II, Parties Written Notification of Rights.*

2. How Complaints May be Reported

Reports may be made in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. A report may be made at any time (including during non-business hours) by using the reporting options available at the time of the report. Reports do not constitute a Formal Complaint under this Policy unless they meet the criteria specified in the Title IX Complaint and Resolution Procedures.

3. Role of the Title IX Coordinator

The Title IX Coordinator is responsible for providing all applicants for admissions and employment, students, parents or legal guardians, and employees with a copy of this Policy and up-to-date contact information for filing a report of sex discrimination, including sexual harassment. The Title IX Coordinator is responsible for receiving all reports, either verbal or written, of sex discrimination. Additionally, the Title IX Coordinator shall assist Complainants in notifying law enforcement, if requested by the Complainant. The Title IX Coordinator, or designee, shall be responsible for coordinating the effective implementation of any Supportive Measures and for receiving and responding to requests for disability accommodations related to Supportive Measures and participation in the grievance process. The Title IX Coordinator may collaborate with other appropriate offices on campus to provide necessary accommodations under this policy. The Title IX Coordinator is responsible for effective implementation of any remedies. Any inquiries about the application of Title IX or this Policy shall be addressed to the Title IX Coordinator.

C. Discretionary Student Exception

Students may be hesitant to report Sexual Harassment out of concern that they, or witnesses, might be charged with violations of College policies. Because the College places a priority on the need to address sexual harassment and other conduct prohibited by this Policy, the College may elect not to pursue discipline against a student who, in good faith, reports, witnesses, or participates in an investigation of Sexual Harassment, or Retaliation.

D. False Reporting

This Policy prohibits the initiation of a knowingly false report of sexual harassment or retaliation. A report made in good faith shall not be considered false merely because the evidence does not ultimately support the allegation of prohibited conduct. However, if an investigation reveals a Complainant knowingly filed false charges, the College shall take appropriate actions and issue sanctions/discipline pursuant to other applicable policies of the College. The imposition of such sanctions/discipline does not constitute Retaliation under this Policy.

E. Law Enforcement

Complainants may file a criminal complaint with the local police department where the incident occurred, and/or other state and federal law enforcement agencies. Complainants can make both a criminal report and a report to the College and do not have to choose one or the other. The College encourages victims of crimes to report incidents to the police so that the police can take appropriate measures to help victims and prevent future crimes. In addition, the Title IX Coordinator will help in filing a report with local law enforcement, should the Complainant request assistance.

Complainants are never required to report an incident to local law enforcement. If a Complainant elects not to make a criminal report, the College will respect that decision.

Reports to law enforcement and/or criminal complaints do not constitute a Formal Complaint to the College under this Policy unless they meet the criteria specified in the Title IX Complaint and Resolution Procedures.

F. Confidential Reporting

Persons who have experienced prohibited forms of Sexual Harassment and Retaliation under this Policy may share information confidentially with licensed mental health counselors, licensed health care personnel, pastoral counselors or clergy who work in those capacities for the College. Except in rare, extreme circumstances, or required by law, nothing will be shared without permission. For example a College official who works as a clinical provider is legally required to break confidentiality when there appears to be a risk of immediate harm. Also, the College may be required to notify the Massachusetts Department of Children and Families if it receives a report regarding abuse (including sexual assault) of a child. Moreover, in compliance with the Clery Act, non-identifiable information may be reported.

Employees may also report such misconduct in strict confidence through the EAP.

If certain Supportive Measures from the College are requested (e.g., extension for academic work or changing classes) or work locations, College officials as necessary may be contacted only for the purpose of providing the requested measures. In such cases, privacy shall be maintained to the extent that respecting confidentiality does not impair the College's ability to provide the requested measures. Sexual Harassment and/or Retaliation also may be confidentially reported to community support resources, which are not required to share information with the College.

G. Immediate Needs

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

If an incident occurs, the College encourages reporting the incident and seeking both police and medical assistance. Seeking police or medical assistance does not obligate one to make a complaint or take any further action, but the decision to seek medical help and gather evidence allows one to preserve the full range of available options. The College will assist any community member to find a safe place, provide transportation for medical help and, if requested, contact law enforcement.

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

H. Confidential Resources

1. Resources to Obtain Confidential Medical Attention

Medical attention is strongly encouraged to treat any possible injuries, including internal injuries, or infections. Certain medical actions are more effective if taken within a few days after an offense, such as preventative treatment for pregnancy and sexually transmitted infections, evidence collection, and toxicology testing, if there are signs that drugs or alcohol facilitated the offense. One may generally confidentially discuss an incident with licensed medical personnel. *See Appendix III for Resources Relative to Seeking Confidential Medical Attention.*

2. Resources to Obtain Confidential Counseling and Support

Generally, one may discuss the incident with a licensed mental health counselor or a counselor recognized by a religious order or denomination on a confidential basis. These counselors can keep information about an incident as confidential as possible while assisting in determining next steps, such as obtaining further counseling, seeking medical attention, preserving evidence, and/or reporting to College or law enforcement authorities then or at a later time. *See Appendix IV for Resources Relative to Obtaining Confidential Counseling and Support.*

3. College Resources

The Colleges offers a variety of resources to those who have experienced or been affected by Sexual Harassment or Retaliation. While these individuals are not bound by confidentiality, they will maintain your privacy within the limited group of College personnel necessary to address the issues presented. *See Appendix V for College Resources*

IV. Employees' Duty to Report or Cooperate

A. Duty to Report Sexual Harassment or Allegations of Sexual Harassment

Any administrator of the College who has the authority to institute corrective measures on behalf of the College has a duty to report Sexual Harassment or allegations of Sexual Harassment to the Title IX Coordinator when they have Actual Knowledge of Sexual Harassment or allegations of Sexual Harassment.

B. Duty of Employees to Report Discrimination, Discriminatory Harassment, and Retaliation

Conduct prohibited by this Policy may also be prohibited under the College's policies prohibiting discrimination, discriminatory harassment, and retaliation. Any administrator, department chair, manager or supervisor who has knowledge of or receives a report from a student or other member of the College community regarding discrimination, discriminatory harassment or retaliation is obligated to report the information to the College's Equal Opportunity Officer, the Director of Human Resources, Ellen Collins, at extension 1531 or the Title IX Coordinator for Students, Dr. Ann Coyne, Dean of Students at extension 2241, Vice Title IX Coordinator for Employees, Vice President for Finance and Operations, Dan Brent at extension 1532 for as soon as the employee becomes aware of it. Likewise, any member of the campus community is encouraged to report to the Title IX Coordinator any conduct of which

they have direct knowledge and which they in good faith believe constitutes discrimination, discriminatory harassment, or retaliation. Any member of the College community who has a question about their reporting responsibilities should contact the Title IX Coordinator.

C. Duty of Employees to Cooperate

Every College employee has a duty to cooperate fully and unconditionally in the grievance process, including the investigation conducted pursuant to the Title IX Complaint and Resolution Procedures of this Policy. This duty includes, among other things, speaking with the Title IX Coordinator, Investigator, Decision Maker, or Appellate Officer, and providing all documentation that relates to the claim being investigated upon request. The failure and/or refusal of any employee, other than an employee subject to criminal charges or who invokes a Fifth Amendment privilege, to cooperate in such an investigation may result in a separate disciplinary action up to and including termination. Such disciplinary action does not constitute retaliation under this Policy.

D. Mandatory Reports Involving Minors and Vulnerable Adult Populations

Children (persons under the age of 18) may be students or may be engaged in activities sponsored by the College or by third parties utilizing College facilities. When an employee has reasonable cause to believe that a minor is suffering from abuse, sexual abuse or neglect, including the sexual misconduct prohibited by this Policy, the employee and/or the College may be obligated to comply with the mandatory child abuse reporting requirements established at Mass. G.L. c. 119, §§ 51A-E. In such cases, the employee must immediately report the matter to Campus Police/Public Safety, who, in consultation with other officials, shall contact the Department of Children and Families (“DCF”) and/or outside law enforcement. An employee may also directly contact law enforcement or DCF in cases of suspected abuse or neglect.

Massachusetts law also imposes mandatory reporting requirements for certain occupations where abuse or neglect of individuals with disabilities or who are over age 60 is suspected. For more information, please contact the Title IX Coordinator.

V. College Response to Actual Knowledge of Sexual Harassment

When the College has actual knowledge of Sexual Harassment in an education program or activity against a person in the United States, it will respond promptly in a manner that is not deliberately indifferent. The College is deliberately indifferent only if its response to Sexual Harassment is clearly unreasonable in light of the known circumstances.

The College’s response shall treat Complainants and Respondents equitably by offering Supportive Measures to a Complainant and Respondent, and by following a grievance process that complies with those outlined in the Title IX Complaint and Resolution Procedures section of this Policy, before the imposition of any disciplinary sanctions or other actions that are not Supportive Measures against a Respondent. A Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

Upon actual knowledge, the Title IX Coordinator shall promptly contact the Complainant to discuss the availability of supportive measures, consider the Complainant's wishes with respect to Supportive Measures, inform the Complainant of the availability of Supportive Measures with or without the filing of a Formal Complaint, and explain to the Complainant the process for filing a formal complaint. The Complainant shall be informed that filing a Formal Complaint, which would initiate a formal investigation, is not required, unless the College deems it necessary to investigate to protect the safety of the community or in compliance with applicable law. The Title IX Coordinator shall provide the Complainant with a written notification of rights. *See Appendix II.*

A. Emergency Removal of Respondent

The College may remove a Respondent from the College's education program or activity on an emergency basis, provided that the College undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment justifies removal, and provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

B. Administrative Leave of Employee

The College may place an employee on paid administrative leave during the pendency of the grievance process under this Policy.

The College shall provide the employee the specific reason(s) for the paid administrative leave. During the paid administrative leave, the College reserves the right to prohibit the employee from entering the College's property or participating in any College activities absent written authorization from an appropriate College official. The status of the paid administrative leave may change over time as determined to be appropriate and effective. The failure of an employee to comply with the paid administrative leave terms may result in further action or discipline consistent with applicable collective bargaining agreements or employee handbooks.

C. Making a Formal Complaint

A Formal Complaint is a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that the College investigate. At the time of filing a Formal Complaint, a Complainant must be participating in, or attempting to participate in, the education program or activity of the College. Formal Complaints may be made in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. The "document filed by a Complainant" may be a document or electronic submission, such as by electronic mail, that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the formal complaint. Reports made to College employees, including the Title IX Coordinator, do not constitute a Formal Complaint under this Policy unless they meet the aforementioned criteria in this section. Formal Complaints may be filed at

any time, but the College's ability to take action may be limited by the matriculation or employment status of Complainants, Respondents, or witnesses. In response to a Formal Complaint, the College shall follow the grievance process detailed in the Complaint and Resolution Procedures set forth in this Policy.

VI. Title IX Grievance Process-Formal Complaint and Resolution Procedures

The following grievance procedures shall be applied to resolve formal complaints alleging any conduct that would be prohibited by this Policy. Unless otherwise specified, the provisions, rules, or practices described herein apply equally to both parties to a formal complaint. The proceedings under this section shall be rendered promptly, fairly, and impartially. Such proceedings shall be conducted by individuals—Investigator, Decision Maker, Appeals Officer—who receive training, as described herein this Policy.

A. Parties

The parties to a Formal Complaint shall be the Complainant, the alleged victim of conduct that could constitute sexual harassment; and the Respondent, the alleged perpetrator of conduct that could constitute sexual harassment. A Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Title IX Formal Complaint and Resolution Procedures. In circumstances in which the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party in the Title IX Complaint and Resolution Procedures.

B. Notice

Upon receipt of a Formal Complaint in writing, the College shall promptly provide written notice of the allegations of conduct potentially constituting Sexual Harassment to the known parties, including sufficient known details and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the Parties involved, if known; the conduct allegedly constituting Sexual Harassment; and the date and location of the alleged incident(s), if known.

In addition, the College shall provide to parties whose participation is invited or expected notice of the date, time, location, participants, and purpose of all investigative interviews, other meetings, or hearings with sufficient time for the party to prepare to participate.

In any notice provided to the parties, the College shall include:

- the Title IX Formal Complaint and Resolution Procedures, as well as any potential informal resolution process;
- a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility shall be made at the conclusion of the Title IX Formal Complaint and Resolution process;
- a statement that the parties may have an Advisor of their choice, who may be, but is not required to be an attorney. An Advisor may accompany throughout the grievance process, including to any related meetings or proceedings. A party will

be provided with an Advisor at a live hearing to conduct cross examination, should the party not have an Advisor;

- a statement informing the parties that they will be provided with equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, prior to completion of the investigative report;
- a statement informing the parties that may present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence; and
- a statement informing the parties of any provision in this or any other policy that prohibits knowingly making false statements or knowingly submitting false information during the Title IX Formal Complaint and Resolution process;

A Respondent shall have ten (10) calendar days in which to respond to the formal complaint after the notification of the allegations. A written notification of rights shall be provided to the Respondent at the time the Respondent receives notification of the allegations. See Appendix III. When a Respondent refuses or fails to participate in the investigation and resolution process, the College may continue the process without the Respondent's participation. The failure of the Respondent to participate in the investigation and resolution process will not prevent the College from imposing sanctions/discipline when a violation is found. At any point after receiving the notice of allegations, including during the investigation and live hearing, a Respondent to any Formal Complaint may agree to the allegations and the recommended sanction(s).

C. Resolution Options

This Policy creates two (2) resolution options relative to a formal complaint: (1) the Informal Resolution Option and (2) the Formal Resolution Option.

1. Informal Resolution

Parties may have the option to request to resolve their Formal Complaint through a voluntary informal resolution process offered by the College (such as mediation) that does not involve a full investigation and adjudication. If the College offers it, the option to participate in an informal resolution process can be chosen when the formal complaint is filed or at any time prior to reaching a determination regarding responsibility. The College can facilitate an informal resolution process, provided that the College has:

- a. provided to the parties a written notice disclosing: (i) the allegations; (ii) the requirements of the informal resolution process, including the circumstances in which this process precludes the parties from resuming a formal complaint from the same allegations, so long as, at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint; and (iii) any consequences resulting from

- participating in the informal resolution process, including the records that will be maintained or could be shared;
- b. obtained the parties' voluntary, written consent to the informal resolution process; and
- c. does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

The matter shall be deemed resolved when all parties expressly agree to an outcome that is acceptable to them and to the College. The College shall endeavor to ensure that the informal resolution process is expeditious, with every effort made to conclude the informal resolution process within sixty (60) calendar days of the date of the request.

2. Formal Resolution

a. Investigation

Once a Formal Complaint has been properly filed, either by a Complainant or as signed by the Title IX Coordinator, the College shall assign the matter to an Investigator(s) and the Title IX Coordinator is not precluded from serving as an Investigator. The College may appoint an external investigator, should it deem necessary or appropriate.

b. Time for Investigation

The College shall attempt to investigate a Complaint within sixty (60) calendar days after the notification of allegations. If, for good cause, an investigation is temporarily delayed, the College shall provide the parties written status updates at reasonable intervals that explain the reason for the delay or extension, until the investigation is completed. Good cause for limited delays may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; the need for language assistance or accommodation of disabilities; the

complexity or severity of a complaint; and breaks in the academic calendar or exam periods. While the College shall make reasonable efforts to accommodate the availability of parties, their advisors, and witnesses, a party, their advisor, or a witness may not delay the process indefinitely by refusing to attend or otherwise participate in the process.

The College shall attempt to hold the hearing within twenty-one (21) business days of receipt of the Investigation Report.

The College shall attempt to conclude the appeal process within twenty-one (21) business days of receipt of the appeal.

c. Scope of Investigation

The investigation may include, but is not limited to: (i) interviews of the parties and other individuals and/or witnesses; and/or reviewing certain documents or materials in the possession of either party or any witness that the Investigator has deemed relevant; (ii) consideration of all relevant documents, including written statements and other materials presented by the parties and witnesses; and (iii) evidence collection, including but not limited to, documents, text messages,

emails, social media posts and messages, photographs, surveillance camera footage, student and employee records, and law enforcement reports.

d. Burden of Proof

The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the College, not the parties. The College cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the College obtains that party's voluntary, written consent to do so for this grievance process.

e. Right to an Advisor of Party's Choice

The Complainant and Respondent shall each have the equal opportunity to be accompanied by an Advisor of their choice to any related meeting or proceeding. The College shall not limit the choice or presence of an Advisor for either the Complainant or Respondent in any meeting or grievance proceeding; however, an Advisor may only provide a party with non-disruptive assistance, as described in Section I of this Policy.

f. Equal Opportunity to Present, Review, and Respond to Evidence

Each party shall have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. This Policy does not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

Each party shall be provided an equal opportunity to review: (i) any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint; (ii) the evidence upon which the College does not intend to rely in reaching a determination regarding responsibility; and (iii) inculpatory or exculpatory evidence whether obtained from a party or other source.

The College shall provide each party and the party's Advisor, if any, any evidence subject to review in an electronic format or a hard copy. The parties shall have ten (10) calendar days to review the evidence and submit a written response, which the Investigator shall consider prior to completion of the Investigative Report.

The Investigator shall review the written responses to the evidence, if any, and, based upon the information provided, conduct any additional investigation that may be necessary prior to the completion of the Investigative Report. The College shall make all such evidence subject to the parties' review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

g. Investigative Report

Following the opportunity for the parties to review the evidence and respond in writing, the Investigator shall create an Investigative Report that fairly summarizes the relevant evidence.

No fewer than ten (10) days prior to a hearing, the Investigator shall send each party and the party's Advisor, if any, the Investigative Report in an electronic format or a hard copy, for review and written response. The parties have five (5) days to submit a written response to the Investigator. The Investigative Report and any written responses received shall be provided to the Decision Maker promptly upon receipt of the written responses or upon five (5) day response deadline.

h. Live Hearing

Following the investigation, a live hearing will be provided. A trained Decision Maker who is neither the Investigator nor the Title IX Coordinator will preside over such hearing. All formal Complaints pursued under the Title IX Formal Complaint and Resolution Procedures shall be evaluated under the "Preponderance of the Evidence" standard, pursuant to which conclusions must be based upon what "more likely than not" occurred.

The Decision Maker shall issue a written determination after the live hearing and parties have the right to appeal the decision on specific permissible grounds, as outlined in this Policy.

The parties are requested to notify the College five (5) days in advance of the hearing if they do not have an advisor so the College can provide them with an Advisor to conduct cross-examination on behalf of the party.

At the College's discretion, live hearings may be conducted in-person or virtually where the parties, witnesses, and other participants are able simultaneously to see and hear each other with enabling technology.

At the request of either party, the College shall provide for the live hearing to occur with the parties located in separate rooms with technology enabling the Decision Maker and parties to simultaneously see and hear the party or the witness answering questions.

The College shall create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for review upon request.

i. Cross-Examination

At the live hearing, the Decision Maker shall permit each party's Advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing shall be conducted directly, orally, and in real time by the party's Advisor and not by a party personally.

Only relevant cross-examination and other questions may be asked of a party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the Decision Maker must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless: (i) such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or (ii) the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

If a party or witness does not submit to cross-examination at the live hearing, the Decision Maker shall not rely on any statement of that party or witness in reaching a determination regarding responsibility. The Decision Maker cannot draw an inference about the determination regarding responsibility based solely upon a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

j. Determination Regarding Responsibility

The Decision Maker is responsible for making a determination regarding responsibility. A Decision Maker shall make every reasonable effort to submit a written determination regarding responsibility to the Title IX Coordinator within ten (10) business days after the conclusion of the live hearing.

To reach a determination, the Decision Maker shall apply the "Preponderance of the Evidence" standard in all Formal Complaints of Sexual Harassment. The Decision Maker's written determination shall include: (i) identification of the allegations potentially constituting Sexual Harassment; (ii) a description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held; (iii) findings of fact supporting the determination; (iv) conclusions regarding the application of the Title IX Sexual Harassment Policy to the facts; (v) a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the College imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the College's education program or activity shall be provided by the College to the Complainant; and (vi) the College's procedures and permissible bases for the Complainant and Respondent to appeal.

The Title IX Coordinator will provide the written determination to the parties simultaneously. The determination becomes final either on the date that the College provides the parties with the written determination of the result of the Appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

k. Possible Sanctions and Remedies

The Title IX Coordinator is responsible for the effective implementation of any remedies.

i. Employee Respondents

Disciplinary action taken against an employee who has been found to have violated this Policy shall be regarded as an administrative action, up to and including termination, subject to all provisions of applicable personnel policies.

ii. Student Respondents

A student who has been found to have violated this Policy may be subject to sanctions including, but not limited to:

- reprimand

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

All student sanctions shall be determined on a case-by-case basis in consideration of: (1) the seriousness of the violation; (2) sanctions typically imposed for similar violations; (3) prior disciplinary history; and (4) any other circumstances indicating that the sanction should be more or less severe.

iii. Additional Remedies

Where necessary, the College shall provide additional measures to remedy the effects of a violation. These remedies are separate from, and in addition to, any Supportive Measures that may have been provided or sanctions that have been imposed. If the Complainant declined or did not take advantage of a specific service or resource previously offered as a Supportive Measure, such as counseling, the College will again offer those services to the Complainant as applicable or necessary. In addition, the College will consider broader remedial action for the campus community, such as increased monitoring, supervision, or security at locations where the incidents occurred, increased or targeted education and prevention efforts, climate assessments/victimization surveys, and/or revisiting its policies and procedures.

I. Appeals

Either party may appeal a determination regarding responsibility, a dismissal of a Formal Complaint, or any allegations therein, on the following bases: (i) procedural irregularity that affected the outcome of the matter; (ii) new evidence that could affect the outcome of the matter was not reasonably available at the time the determination regarding responsibility or dismissal was made; or (iii) a conflict of interest or bias for or against either Complainants or Respondents generally, or the individual Complainant or Respondent, by the Title IX Coordinator, Investigator, or Decision Maker which affected the outcome of the matter.

Appeals of the written determination made by the Decision Maker must be submitted within ten (10) days of receipt of the written determination from the College's Title IX Coordinator. Appeals of the dismissal of a formal complaint, or any allegations therein, must be submitted within ten (10) calendar days of receipt of the written notification of such action.

The College shall notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties. The Appellate Officer will not be the same person as the Decision Maker who reached the determination regarding responsibility or dismissal, the Investigator, or the Title IX Coordinator.

The Appellate Officer will issue a written decision describing the result of the appeal and the rationale for the result, and provide the written decision simultaneously to both parties.

Where practicable, the appeal process shall be concluded within twenty-one (21) business days of receipt of the appeal.

D. Absence of Bias and Conflict of Interest

No individual designated as a Title IX Coordinator, Investigator, Decision Maker, Appellate Officer or any person designated to facilitate an informal resolution process, shall have a conflict of interest or bias for or against Complainants or Respondents generally, or an individual Complainant or Respondent.

E. Amending Allegations

If, in the course of an investigation, the College determines allegations about the Respondent or Complainant not included in the original notice of complaint should be investigated, the College shall provide notice of the same to the parties whose identities are known.

F. Consolidation of Formal Complaints

The College may consolidate Formal Complaints of Sexual Harassment allegations against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of Sexual Harassment arise out of the same facts or circumstances.

G. Joint Investigations

In some circumstances, the Respondent's alleged conduct may constitute a potential violation of other College conduct policies, including, but not limited to, the College's Policy Against Discrimination, Discriminatory Harassment and Retaliation and the Student Code of Conduct. To avoid duplicative efforts, the College may undertake a concurrent investigation of the alleged conduct. Based upon the findings of the concurrent investigation, the Respondent may be subject to disciplinary action for violations of this Policy, as well as other policy violations. If a formal complaint is dismissed in accordance with this Policy, an investigation may continue under other College conduct policies.

H. Dismissal of a Formal Complaint

The College shall investigate the allegations in a Formal Complaint. If the conduct alleged in the formal complaint would not constitute Sexual Harassment as defined by this Policy even if proved, did not occur in the College's education program or activity, or did not occur against a person in the United States, then the College must dismiss the Formal Complaint under this Policy. Dismissal of a Formal Complaint under this Policy for one of the aforementioned reasons does not preclude action under another College policy or its Code of Conduct.

The College may dismiss the Formal Complaint, or any allegations therein, if at any time during the investigation or hearing: (1) a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein; (2) the

Respondent is no longer enrolled or employed by the College; or (3) specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

Upon a dismissal required or permitted pursuant to this section, the College shall promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties. Any party may appeal the dismissal of a Formal Complaint, in accordance with the appeal process described herein this Policy.

VII. Training

All Title IX Coordinators, Investigators, Decision Makers, Appellate Officers, and any person who facilitates an informal resolution process, shall receive annual training in regard to: (i) the definition of Sexual Harassment under this policy; (ii) the scope of the College's education program or activity; (iii) the Title IX Complaint Resolution Procedures, including how to conduct investigations, hearings, appeals, and informal resolution processes, as applicable; and

(iv) how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

Investigators shall receive training on issues of relevance to create an Investigative Report that fairly summarizes relevant evidence.

Decision Makers shall receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant.

All available materials used to train Title IX Coordinators, Administrative Investigators, Decision Makers, Appellate Officers, and any person who facilitates an informal resolution process will be made publicly accessible on the College's website.

VIII. Recordkeeping

The College shall create, and maintain for a period of not fewer than seven years records of any actions, including any Supportive Measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the College shall document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the College's education program or activity.

If the College does not provide a Complainant with Supportive Measures, then the College shall document the reasons why it did not provide such measures. The documentation of certain bases of measures does not limit the College in the future from providing additional explanations or detailing additional measures taken.

Further, the College shall maintain for a period of not fewer than seven years records of: (i) each Sexual Harassment investigation, including any determination regarding responsibility and any audio or audiovisual recording or transcript of the hearing, any disciplinary sanctions imposed on the Respondent, and any remedies provided to the Complainant designed to restore or preserve

equal access to the College's education program or activity; (ii) any appeal and the result therefrom; and (iii) any informal resolution and the result therefrom.

IX. Statistical Reporting and Timely Warnings under The Clery Act

The Clery Act requires the College to publish an Annual Campus Crime Report concerning reported incidents of sexual assault, domestic and dating violence and stalking. The College does not include victims' names or other personally identifiable information in the Annual Campus Crime Report. Aggregate, statistical information concerning these crimes is reported to the Title IX Coordinator.

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

X. Compliance Concerns

Persons concerned about the College's handling of a Title IX complaint or the grievance process may bring their concerns to the attention of the Title IX Coordinator. Concerns may also be reported to:

U.S. Department of Education, Office for Civil Rights

33 Arch Street, 9th Floor

Boston, MA 02119-1424

Telephone: (617) 289-0111; FAX: (617) 289-0150; TDD (877) 521-2172.

Email: OCR.Boston@ed.gov

Appendix I: Title IX Coordinator Contact Information

The Title IX Coordinator for William James College is:

Name or Title: **Ann Coyne, Title IX Coordinator for Students**

Office Address: William James College, One Wells Avenue, Newton, MA 02459

Email: titleix@williamjames.edu

Phone: Tel: 617-327-6777 x2241

Name or Title: **Dan Brent, Title IX Coordinator for Employees**

Office Address: William James College, One Wells Avenue, Newton, MA 02459

Email: dan_brent@williamjames.edu

Phone: Tel: 617-327-6777 x1532

Appendix II: Written Notification of Rights

The Title IX Coordinator shall provide Complainants alleging sexual harassment, including sexual assault, domestic violence, dating violence, or stalking, with written notification that they have the following rights to:

- an explanation of options available, including whether or not to file a Formal Complaint;
- to file a police report and/or take legal action separate from and/or in addition to the College's grievance process;
- be assisted by the College in seeking assistance from or filing a complaint with local law enforcement;
- seek and enforce no contact, restraining or similar court orders;
- seek confidential assistance and supportive services both on and off campus;
- seek off-campus counseling and support services;
- a change or adjustment to their academic schedule, if such changes are available;
- request supportive measures, including a no contact order, regardless of filing a formal complaint;
- a prompt, thorough, and equitable grievance process;
- the confidentiality of the investigation process to the extent provided for in this Policy;
- know, in advance, the names, of all persons involved,
- an Advisor of their choice who can be present during the grievance process and permitted to provide non-disruptive assistance, consistent with this Policy;
- an Advisor to be provided by the College for a live hearing, in the event a Complainant does not have an Advisor;
- reasonable accommodations for a documented disability;
- not to have irrelevant sexual history discussed;
- be present at certain meetings and inspect, review and respond to evidence before the investigative report is completed;
- speak and present information, provide witnesses, and submit questions to be asked of the Respondent and/or witnesses;
- know the status of the case at any point during the grievance process;

- be provided with a copy of the investigative report and an opportunity to respond to the report, prior to a live hearing;
- be informed in a timely manner of the outcome of the hearing and any appeal filed, as provided for in this Policy;
- appeal the outcome of the hearing, as provided for in this Policy;
- be free from behavior that may be construed by the College to be intimidating, harassing or retaliatory; and
- have a complaint handled in accordance with this Policy.

Upon the filing of a Formal Complaint of sexual harassment, as defined by this Policy, the Title IX Coordinator shall provide Respondents with written notification that they have the following rights:

- an explanation of the allegation(s) made against them;
- sufficient time to prepare a response to the allegation(s) before an initial interview;
- receive a copy of the Formal Complaint filed against them;
- be presumed not in violation of this Policy and that a determination of responsibility is made at the conclusion of the grievance process;
- seek confidential assistance and supportive services both on and off campus;
- seek off-campus counseling and support services;
- a change or adjustment to their academic schedule, if such changes are available;
- request supportive measures, including a no contact order;
- a prompt, thorough, and equitable grievance process;
- the confidentiality of the investigation process to the extent provided for in this Policy;
- know, in advance, the names, of all persons involved,
- an Advisor of their choice who can be present during the grievance process and permitted to provide non-disruptive assistance, consistent with this Policy;
- an Advisor to be provided by the College for a live hearing, in the event the Respondent does not have an Advisor;
- reasonable accommodations for a documented disability;
- not to have irrelevant sexual history discussed;

- be present at certain meetings and inspect, review and respond to evidence before the investigative report is completed;
- speak and present information, provide witnesses, and submit questions to be asked of the Complainant and/or witnesses;
- know the status of the case at any point during the grievance process;
- be provided with a copy of the investigative report and an opportunity to respond to the report, prior to a live hearing;
- be informed in a timely manner of the outcome of the hearing and any appeal filed, as provided for in this Policy;
- appeal the outcome of the hearing, consistent with the grounds for filing an appeal as provided for in this Policy;
- be free from behavior that may be construed by the College to be intimidating, harassing or retaliatory; and
- to have a complaint handled in accordance with this Policy.

Appendix III: Resources Relative to Obtaining Confidential Medical Attention

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

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

Beth Israel Deaconess Hospital

148 Chestnut Street

Needham, MA 02492

781-453-3000 – Non Emergency Number

Hours: 24 hours a day/7 days a week

Newton Wellesley Hospital (designated Boston SANE Hospital)

2014 Washington Street

Newton, MA 02462

617-243-6000 – Non Emergency Number

Hours: 24 hours a day/7 days a week

Other SANE hospitals in the Boston area are:

- Beth Israel Deaconess Medical Center
- Boston Medical Center
- Brigham & Women's Hospital
- Cambridge Hospital
- Children's Hospital

- Massachusetts General Hospital

For more information about SANE services and where to obtain them, see:

<http://www.mass.gov/eohhs/gov/departments/dph/programs/community-health/dvip/violence/sane/designated-sites/boston-regions.html>

Appendix IV: Resources Relative to Obtaining Confidential Counseling and Support

Generally, you may discuss the incident with a licensed mental health counselor or a counselor recognized by a religious order or denomination on a confidential basis.

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

1. Confidential Counseling and Support Resources at William James College

Joan Axelrod Joan_Axelrod@williamjames.edu	Academic Resource Director	Monday-Friday 9:00 a.m. – 5:00 p.m.	1341	Disability Services; Remedial Services; Counseling
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2. Confidential Community Counseling and Support Resources

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

City of Newton Police: 617-769-2100

City of Boston Police: 617-343-4633

White House Initiative to Combat Sexual Assault on College Campuses www.notalone.gov (searchable local resources and outlines)	The National Stalking Resource Center http://www.victimsofcrime.org/our-programs/stalking-resource-center
National Sexual Assault Hotline (800) 656-4673 (24 hour)	RAINN [Rape Abuse & Incest National Network] (800) 656-4673 (Hotline) www.rainn.org (online chat live)

National Domestic Violence Hotline (800) 799-7233 (24 hour)	MA Spanish Language Rape Crisis Center (800) 223-5001 (Hotline)
National Suicide Prevention Lifeline (800) 272-8255 (Hotline)	Victim Rights Law Center 115 Broad Street, 3 rd Floor, Boston, MA

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	02110 Phone: (617) 399-6720 (legal services for victims of sexual assault)
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Additionally, the Rape Crisis Centers listed below offer FREE services to victims of sexual violence, including:

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

Greater Boston Area

Boston Area Rape Crisis Center (BARCC)

99 Bishop Allen Drive

Cambridge, MA 02139

24/7 Hotline: (800) 841-8371

TTY: (617) 492-6434

Our Boston Office

989 Commonwealth Avenue

Boston, MA 02215

24/7 Hotline: (800) 841-8371

(Office) (617) 492-8306

(Fax) (617) 492-3291

Services are available in Spanish, French and Kreyol.

Northeastern Massachusetts

YWCA North Shore Rape Crisis Center, Lynn, (800) 922-8772 Hotline,

(781) 477-2312 (Office)

Center for Hope and Healing, (800) 542-5212 Hotline, (978) 452-8723 TTY

YWCA of Greater Lawrence, (877) 509-9922 SA Hotline, (978) 686-8840 TTY

Central Massachusetts

Pathways for Change, Worcester, (800) 870-5905 Hotline, (888) 887-7130 TTY

Rape Crisis Center of Central Massachusetts, Fitchburg, (800) 870-5905

Wayside Victim Services, Milford, (800) 511-5070 Hotline, (508) 478-4205 TTY

Southeastern Massachusetts

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

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

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

New Bedford Women's Center, New Bedford, (508) 996-6636 Hotline, (508) 996-1177 TTY

New Hope, Attleboro, (800) 323-4673 Hotline/TTY

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

Western Massachusetts

Elizabeth Freeman Center, Pittfield, (866) 401-2425 Hotline, (413) 499-2425 TTY

Center for Women and Community, Amherst, (413) 545-0800 Hotline, (413) 577-0940 TTY

NELCWIT, Greenfield, (413) 772-0806 Hotline, (413) 772-0815 TTY

YWCA of Western Massachusetts, Springfield, (800) 796-8711 Hotline, (413) 733-7100 TTY

As the above contact information may be subject to change, current contact information on rape crisis centers in Massachusetts can be found at:

<http://www.mass.gov/eohhs/gov/departments/dph/programs/community-health/dvip/violence/rape-crisis-centers.html>

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

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

Appendix V: College Resources

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

The following individuals are located at One Wells Avenue, Newton, MA 02459.

Phone Number: (617) 327-6777

Name	Title	Hours	Ext	Services Provided
Ann Coyne Ann_Coyne@williamjames.edu	Dean of Students & Title IX Coordinator for Students	Monday-Friday 9:00 a.m.- 5:00 p.m.	2241	Coordinates efforts in response to student crisis
Dan Brent Dan_Brent@williamjames.edu	VP of Finance and Operations & Title IX Coordinator for Employees	Monday-Friday 9:00 a.m.- 5:00 p.m.	1532	Coordinates efforts in response to staff and vendor crisis
Stacey Lambert Stacey_Lambert@williamjames.edu	VP of Academic Affairs	Monday-Friday 9:00 a.m.- 5:00 p.m.	1288	Coordinates efforts in response to student and faculty crisis
Ellen Collins Ellen_Collins@williamjames.edu	Director of Human Resources, EO Officer	Monday-Friday 9:00 a.m.- 5:00 p.m.	1531	Coordinates efforts in response to staff crisis; promotes ethical conduct
Joan Axelrod Joan_Axelrod@williamjames.edu	Academic Resource Director	Monday-Friday 9:00 a.m.- 5:00 p.m.	1341	Disability Services; Remedial Services; Counseling/Support Resources