

Policy on Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking

Sarah Lawrence College is an intellectual community founded on mutual respect and is committed to providing a living, learning, and working environment that is free from sexual harassment and sexual violence. Sarah Lawrence College prohibits the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking.

Such offenses can impair or limit the educational and occupational opportunities of any person at Sarah Lawrence and have no place in this community. This policy applies to all Sarah Lawrence students, both undergraduate and graduate, regardless of where the incident(s) occurred. This policy also applies to Sarah Lawrence College employees (faculty and staff). This policy defines unacceptable behavior, identifies resources for persons who have experienced a sexual offense or stalking, and describes the College's prevention and education efforts. The discipline process for alleged violations of this policy can be found in the Student Handbook here (for violations allegedly committed by students) and on MySLC (for violations allegedly committed by faculty and staff).

Sexual offenses are prohibited under New York State and federal laws and may be prosecuted in the criminal justice system. Legal definitions may vary from definitions used by the Sarah Lawrence community as outlined in this policy. Pursuing campus resolution does not preclude one from pursuing legal action or seeking the assistance of law enforcement authorities immediately or in the future; similarly, the pursuit of legal action and/or reporting the conduct to the police does not preclude pursuit of campus resolution under this policy and the corresponding conduct process. Please see the Appendix for a list of relevant local, state, and federal laws.

Anyone can experience sexual harassment, domestic/dating violence, stalking and/or sexual violence regardless of gender or sexual orientation. Perpetrators also can be anyone: a stranger, someone you have known for a long time, or someone you have just met.

The College has named Dean Allen Green as its Title IX Coordinator; his role is to oversee College compliance with Title IX regulations. Dean Green will:

1. Serve as a resource for students wishing to report any acts of sexual harassment, sexual assault, domestic violence, dating violence and stalking—i.e. violations of Title IX.
2. Provide oversight for all Title IX complaints, identify patterns, issues, and/or problems. Note: As Title IX Coordinator, Dean Green is a resource and a facilitator, but does not have a role in the sexual assault/harassment investigation, hearing, and/or conduct process which can be found in the Student Handbook here and on MySLC.
3. Review and support the informational initiatives enabling students, staff, and faculty to fully understand sexual violence and sexual harassment as forms of sexual discrimination and further educate the community about College policy and procedures.

To contact Dean Allen Green, please refer to the information provided:

Title IX Coordinator, Allen Green

Phone Number: 914.395.2527

Email Address: agreen@sarahlawrence.edu

Campus Location: Andrews Annex 102B

Along with Dean Green, the College has named Caressa Nguyen as its Title IX Investigator; her role is to aid in the College's compliance with Title IX regulations. Caressa will:

1. Investigate reports/formal complaints of any alleged violations of sexual harassment, sexual assault, domestic violence, dating violence and stalking—i.e. violations of Title IX.
2. Provide assistance to the Title IX Coordinator for Title IX complaints, identifying patterns, issues and/or problems.
3. Oversee programmatic initiatives on Title IX, sexual violence awareness, and consent with SLC student body, including advising the Sexual Violence Awareness (SeVA) Programming Board and the Student Life Committee on Sexual Violence Prevention and Education.

To contact Caressa Nguyen, please refer to the information provided:

Title IX Investigator, Caressa Nguyen

Phone Number: 914.323.6138

Email Address: cnguyen@sarahlawrence.edu

Campus Location: Andrews Annex 102C

Definition of Sexual Activity

"Sexual activity" shall have the same meaning as "sexual act" and "sexual contact" as provided in 18 U.S.C. §§ 2246(2) and (3).

In order to determine when affirmative consent is required prior to sexual activity, this legislation first defines the terms "sexual act" and "sexual contact" The current definitions are as follows:

(2) the term "sexual act" means—

- A. Contact between the penis and the vulva or the penis and the anus, and contact involving the penis occurs upon penetration, however slight;
- B. Contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus;
- C. The penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; or
- D. The intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person;

(3) the term "sexual contact" means the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person. Individuals must obtain affirmative consent prior to engaging in any of the activity referenced above.

Affirmative Consent

Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of

itself, *does not* demonstrate consent. The definition of consent *does not* vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.

- A. Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.
- B. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- C. Consent may be initially given but withdrawn at any time.
- D. Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.
- E. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
- F. When consent is withdrawn or can no longer be given, sexual activity must stop.

For a legal definition of consent under New York State law, see the Appendix to this policy.

Prohibited Conduct

Sexual Harassment

Sexual harassment is defined as unwelcome sexual advances or requests for sexual favors or other unwelcome verbal or physical conduct of a sexual nature when submission to or rejection of such advances, requests, or conduct is made, either explicitly or implicitly, (i) a term or condition of educational benefits, privileges, or placement services or as a basis for the evaluation of academic achievement of a student or (ii) a term or condition of employment or a basis for employment decisions concerning any employee.

Sexual harassment is also defined as unwelcome sexual advances or requests for sexual favors or other unwelcome verbal or physical conduct of a sexual nature that are so severe or pervasive that they have the purpose or effect of unreasonably interfering with a student's education or an employee's work performance or of creating an intimidating, hostile, humiliating, or sexually offensive educational, living, or working environment, when judged by the standards of a reasonable person.

Sexual harassment also includes stalking, as defined by the Violence Against Women Act (VAWA) which is discussed below, in the section entitled 2013 Violence Against Women Act Section 304, and stalking is defined in the Appendix to this policy.

Sexual harassment does not refer to compliments or other behavior of a socially acceptable nature. It does not refer to discussions of material with a sexual component which might offend some but which was introduced in class or conference for legitimate intellectual purposes.

Sexual Assault

Sexual assault is defined as having sexual contact or sexual intercourse with another individual without consent. Under federal law sexual assault is defined as an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sexual assault

offense is “any sexual act directed against another person, without the consent of the survivor-victim, including instances where the survivor-victim is incapable of giving consent.” See the Appendix to this policy for the full federal definitions.

Sexual contact includes intentional contact with the intimate parts of another, causing another to touch one’s intimate parts, or disrobing or exposure of another without permission. Intimate parts may include the breasts, genitals, buttocks, groin, mouth, or any other part of the body that is touched in a sexual manner. Sexual contact also includes attempted sexual intercourse.

Sexual intercourse includes vaginal or anal penetration, however slight, with a body part (e.g., penis, tongue, finger, hand, etc.) or object, or oral penetration involving mouth to genital contact.

Sexual assault also includes Dating Violence and Domestic Violence, as defined by the Violence Against Women Act, if the violence involved fits the definition above. For the purposes of complying with the requirements of this section and federal regulations, any incident meeting this definition also is considered a crime for the purposes of Clery Act reporting.

Dating Violence

The term “dating violence” means violence committed by a person (A) who is or has been in a social relationship of a romantic or intimate nature with the person who has been subjected to violence; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; (iii) the frequency of interaction between the persons involved in the relationship. For the purposes of this definition dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence, discussed below. For the purposes of complying with the requirements of this section and federal regulations, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Domestic Violence

The term “domestic violence” includes felony or misdemeanor crimes of violence committed by the current or former spouse of the person who is subjected to the acts of violence, by a person with whom the person subjected to violence shares a child in common, by a person who is cohabitating with or has cohabitated with the person subjected to violence as a spouse, by a person similarly situated to a spouse of the person subjected to violence under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction. For the purposes of complying with the requirements of this section and federal regulations, any incident meeting this definition also is considered a crime for the purposes of Clery Act reporting.

Stalking

The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress. For the purposes of this definition course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property. Reasonable person means a reasonable person under similar circumstances and with similar identities to the person being followed, monitored or

subjected to the conduct identified in the preceding sentence. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. For the purposes of complying with the requirements of this section federal, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Alcohol and/or Drug Use Amnesty

The health and safety of every student at the College is of utmost importance. The College recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault, occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The College strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to College officials. A bystander acting in good faith or a Reporting Individual acting in good faith who discloses any incident of domestic violence, dating violence, stalking, or sexual assault to the College's officials or law enforcement will not be subject to the College's conduct process for violations of alcohol and/or drug use policies occurring at or near the time of the alleged commission of the domestic violence, dating violence, stalking, or sexual assault.

Similarly, students disclosing the use alcohol or drugs in connection with a potential violation of this policy will not be subject to the College's disciplinary process for violations of alcohol and/or drug use policies disclosed during such investigations or proceedings, to the extent that such disclosures are related to the alleged policy violation at issue.

Policy on Romantic or Sexual Relationships between Employees and Students

As a condition of employment, employees of the college (including full- and part-time administrative staff, full and part-time regular faculty, guest faculty, graduate faculty and employees of independent contractors or vendors) may not engage in sexual or romantic relations with any Sarah Lawrence College student, regardless of whether the student consents to such interaction. The policy does not apply to students who are already spouses/domestic partners of current employees.

A romantic or sexual relationship between a faculty or staff member and a student poses a significant potential threat to the health and well-being of the College community. Such a relationship could lead to preferential treatment or other acts, actual or perceived, of alleged favoritism or alleged retaliation on the part of an employee toward a student. Furthermore, given the power differential between students and faculty or staff members, there is serious concern that such relationships could never be fully consensual or could be perceived by others, at the time or in retrospect, as coercive in nature. These relationships can be also harmful to other students and employees not directly involved, and highly injurious to the College's commitment to providing a nurturing learning and work environment for all in the community.

Procedures

Students, faculty, and staff concerned about a sexual or romantic relationship involving a faculty member and a student should speak to the Provost and Dean of the Faculty or, if appropriate because the student is a graduate student, the Dean of Graduate and Professional Studies. The appropriate dean will meet with the parties involved to discuss this report. The matter may be referred to the process established for

complaints involving faculty (see Article III, Section 6D of the faculty by-laws). The appropriate dean will report the resolution of any such complaint to both the student and faculty member.

Students, faculty and staff concerned about a sexual or romantic relationship involving a staff member or contract vendor employee with a student should contact the Director of Human Resources. Upon receipt of a notification involving a possible violation of this policy, the Director of Human Resources (or the Director's designee) will meet with the parties involved. The parties involved may have an advisor of their choice present during the initial interviews, and such further interviews as the Director may deem necessary. The Director Human Resources will use a preponderance of the evidence standard to determine responsibility (i.e. it is more likely than not that the respondent was responsible for the prohibited behavior). The Director of Human Resources will report the resolution to both parties. This report will include the conclusions of the investigation and, where appropriate, any actions taken or penalties imposed. The facts about individual cases and their disposition are confidential. This means that such information is shared by the College only on a bona fide need to know basis. The College reserves the right, however, to correct or address misinformation or incomplete information that becomes public.

Employees who engage in sexual or romantic relationships with a student contrary to the requirements provided in this policy are subject to disciplinary action up to and including dismissal, depending upon the nature of and context for the violation.

Should a romantic or sexual relationship with a student be considered to have been non-consensual or may have met the definition of sexual harassment against a faculty member or staff member, the College will investigate and resolve this matter in accordance with the Sarah Lawrence College Policy on Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence and Stalking. This Policy on Romantic or Sexual Relationships between Employees and Students applies to such relationships to the extent that they are not covered by the Policy on Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence and Stalking.

For advice or consultation regarding the appropriate course of action, community members may seek assistance from the Director of Human Resources. If there is any doubt whether a relationship falls within this policy, individuals should disclose the facts and seek guidance rather than fail to disclose. Questions may be addressed to your supervisor, the Provost and Dean of the Faculty, the Dean of Graduate and Professional Studies, the College's Title IX Coordinator, or Human Resources office.

What to Do if You Have Experienced Sexual Harassment

- Get to a safe place if you feel that you are in immediate danger or if you need assistance.
- Discuss the incident/behavior with someone to seek support and information. ([See "Who Can You Talk To?" \[page 160\].](#))
- Report the incident/behavior to persons, such as the Title IX Coordinator and/or the Title IX Investigator.
- File a Formal Complaint pursuant to the College conduct process, or (where permissible) seek Mediation or Administrative Accommodations.

For information on filing a Formal Complaint through the College conduct process, see page 156 of the Student Handbook for information on the applicable Procedure (or click [here](https://my.slc.edu/ICS/Student/Policies.jnz)). Mediation and Administrative Accommodations options are discussed generally at pages 18-20 of the Procedures.

Mediation is an option in sexual harassment cases, if *both* the Reporting Individual and the Responding Individual agree to participate. A party is never required to mediate a claim of sexual harassment; it is merely an option available in such cases. For further information about the option of mediation, please refer to page 20. If a claim of sexual assault is part of the alleged violation, mediation is not an option.

Any person interested in pursuing mediation for resolving a sexual harassment case should contact the Title IX Coordinator, who will arrange for mediation to occur upon consent of the parties. The Title IX Coordinator will inform the Responding Individual in writing of the complaint and require a written response to the complaint. The Hearing Coordinator will choose one trained mediator from among the dean of studies and student life staff members. Mediation normally will begin within one week of the Responding Individual's receipt of the complaint. The goal of mediation is an agreement between the two parties resolving the matter between them. That agreement may include a specific action or actions to be taken or refrained from on the part of the Responding Individual. At the conclusion of a successful mediation process, both the Reporting Individual and the Responding Individual will sign a statement that they are satisfied with the outcome and regard the matter as resolved between them. If the Reporting Individual believes the mediation process was unsuccessful, the Reporting Individual may choose to pursue a Formal Complaint through the College's conduct process ([see "Filing a Formal Complaint" \[p. 166\]](#)).

What to Do if You Have Experienced Sexual Assault, Domestic Violence, Dating Violence, or Stalking

Get to a safe place as soon as possible:

Contact 911 if you are in immediate danger or if you need assistance. If the incident occurred on campus during the working hours of 9:00 a.m. to 5:00 p.m., you may contact the following individuals: the AVP of Public Safety (whose office is in Andrews House) or the Title IX Team, Title IX Coordinator and Title IX Investigator (whose office is in Andrews Annex 102). If the incident occurred on campus after hours, call Public Safety at 914.395.2222 for assistance, or visit the Westlands Security Desk. Public Safety will also offer assistance with transportation needs and with contacting law enforcement if you desire. Further information on reporting to law enforcement can be found on page 21.

Seek medical attention:

The Health & Wellness medical staff is available for assistance Monday through Friday, 9:00 a.m. to 5:00 p.m. and will hold the information of all cases in confidence unless there is an immediate threat to self or others. Health & Wellness staff can document and treat any injuries resulting from an assault, screen for STIs and pregnancy, and provide important information about available resources and the options for reporting the incident to both on- and off-campus authorities. Health and Wellness staff can also assist in coordinating care at the emergency room.

For after-hours assistance, the College's on-call doctor is available for consultation. To speak with the on-call doctor, call Westlands Desk at (914) 395-2209 and ask to speak with the doctor on call. The Westlands Desk staff member will page the on-call doctor, who will contact you directly. In order to ensure confidentiality, callers need not reveal the nature of the call to the Westlands Desk staff; simply ask the staff member to contact the on-call doctor.

Persons who are considering filing criminal charges or who want to keep those options open in the future are encouraged to get an exam to collect medical evidence. Health & Wellness staff can assist in coordinating this exam in the emergency room at Westchester Medical Center. Health & Wellness staff (or persons seeking the exam, if there is a preference not to go through Health & Wellness) can request that a FACT (Forensic Acute Care Team) clinician be called to do the exam at Westchester Medical Center. FACT is a team of experienced, highly qualified and compassionate physicians and nurses available 24/7 to offer various aspects of medical and/or forensic care to patients presenting with concerns for recent (within 96 hours) sexual abuse or assault. Before going to Westchester Medical Center, try to preserve any physical evidence; do not wash, bathe, douche, go to the bathroom, or change clothing. It is best to collect evidence as soon after the assault as possible; however, an exam can be completed up to five days after an assault.

Regardless of whether a FACT exam is performed, persons who have experienced sexual assault or sexual violence are encouraged to seek medical care in order to receive treatment, counseling and, where appropriate, medication to prevent pregnancy or STDs/STIs.

Who Can You Talk To?

If a person has experienced sexual violence, and decides to tell any Sarah Lawrence staff or faculty member (except for confidential communications to Sarah Lawrence College confidential resources, discussed immediately below), those College faculty and staff members are *required* to inform the Title IX Coordinator, which will constitute a report under this policy.

Confidential vs. Non-confidential Communications

In times of distress it can be confusing to figure out whom you can contact to obtain information about your options and resources both on and off campus. Before making a decision about who to talk with, you may want to consider the following:

Confidential Communications: Confidential communications are those communications which legally cannot be disclosed to another person, without the reporter's consent, except under very limited circumstances such as an imminent threat or danger to self or others.

Confidential communications related to injury or impact due to sexual violence or any of the conduct governed by this policy include those with:

- Survivor-victim Assistance Services, 24/7 — 914.345.9111
- Sarah Lawrence College, Health & Wellness Counseling and Psychological Services (9:00am–5:00pm) — 914.395.2350; Lyles House
- Sarah Lawrence College, Health & Wellness Medical Services (9:00am–5:00pm) — 914.395.2350; Lyles House

For more confidential resources, see www.SLC.edu/SAFE

Non-confidential Communications: Receipt of information about an alleged incident of sexual harassment, sexual assault, domestic violence, dating violence and/or stalking, communications by College employees or affiliates, other than those confidential resources identified immediately above, will constitute non-confidential communications that will be reported to the Title IX Coordinator. Even where the communication is with a non-confidential source, the College will seek consent from Reporting Individual prior to conducting an investigation. Federal law makes most College employees, other than those referenced in the Confidential Communications passage above, mandated reporters with respect

to claims of sexual harassment, sexual assault, domestic violence, dating violence, and stalking. However, even College offices and employees who cannot guarantee confidentiality, and who are deemed non-confidential resources, will be expected to maintain the privacy of Reporting Individuals, consistent with the needs and interests of the College community. The information provided to a non-confidential resource thus will be relayed only as reasonably necessary for the Title IX Coordinator to investigate and/or seek a resolution. Upon receipt of a report from mandated reporters and/or non-confidential resources, the Title IX Coordinator will contact the Reporting Individual to discuss the matter, and the available options. If the Reporting Individual discloses an incident and requests that the College not conduct an investigation, the Title IX Coordinator must weigh the available information against the institution's obligation to provide a reasonably safe and nondiscriminatory environment for all members of its community, and will make the determination as to whether an investigation will be conducted. If the Title IX Coordinator determines that an investigation is required, the Coordinator shall notify the Reporting Individual, and take such actions as may be deemed necessary to protect and assist them. The Title IX Coordinator will assist, where appropriate, with academic, housing, transportation, employment, and other reasonable and available accommodations, and may direct such accommodations even where a Reporting Individual may elect to decline such accommodations.

Personally identifiable information about the Reporting Individual is considered private and only shared with administrators who are responding to the report, investigating/adjudicating the complaint, or delivering resources or support services to the Reporting Individual. Sarah Lawrence College does not publish the name of crime victims nor house identifiable information regarding crime victims in the campus public safety department's Daily Crime and Fire Log. Crime victims may request that directory information on file be removed from any public sources where it may be maintained by contacting the Sarah Lawrence Registrar, Daniel Licht, at 914.395.2301 or 2302.

Non-confidential communications include those with:

- Residence Life staff members, including resident advisers (RAs) and graduate hall directors (GHDs)
- Student Affairs staff
- Public Safety staff
- All faculty members, *including* dons and guest faculty
- All other College employees (with the exception of Health & Wellness staff)

Where possible, non-confidential reporters will refer persons making reports of sexual violence as defined in this policy to confidential reporters, as described above, before disclosure of a situation that requires a response and investigation. Once notified of an incident of sexual violence, however, a non-confidential/mandated reporter must report it to the Title IX Coordinator.

If an individual discloses information through a public awareness event such as candlelight vigils, protests, or other public events, the College will not consider such disclosure to be a report of an incident under this policy, and will not be obligated to begin an investigation based on such information. The College may use the information provided at such an event, however, to inform its efforts for additional education and prevention efforts.

College and Community Resources

Sarah Lawrence College offers myriad of services/resources concerning sexual assault, domestic violence, dating violence, and stalking. The College is committed to providing equal access to resources for both Reporting Individuals and Responding Individuals. These include counseling services, medical services,

survivor-victim advocates (via Westchester County Victims Assistance Services), visa and immigration assistance and legal assistance (via Pace Law School Women's Justice Center). The College also has the ability to utilize remedies to prevent contact between a Reporting Individual and a Responding Individual.

The following resources are available to students and other members of the Sarah Lawrence community for information and support concerning acts of sexual assault and all other forms of sexual violence.

On-Campus Resources

Title IX Coordinator, Allen Green, 914.395.2527, Andrews Annex 102B; agreen@sarahlawrence.edu & Title IX Investigator, Caressa Nguyen, 914.323.6138, Andrews 102C; cnguyen@sarahlawrence.edu: The College's Title IX Coordinator and Title IX Investigator are available to provide information regarding on- and off campus resources, on- and off-campus reporting options, academic and housing accommodations, and the College's conduct process. They are available weekdays between 9:00 a.m. and 5:00 p.m. After 5:00 p.m. and on weekends, confidential resources may be accessed via Westchester Victims Assistance at 914.345.9111; non-confidential resources may be accessed via the College's Westlands Desk at 914.395.2209 or 914.395.2222.

Health & Wellness Center, 914.395.2350, Lyle House: You may speak with a Health and Wellness staff member openly and without fear of initiating an investigation, so long as there is no imminent danger to yourself or others. The counseling session limit for students can be waived by the Title IX Coordinator for those who have experienced sexual violence. Please contact the Title IX Coordinator for further information. Therapists are available to provide confidential support and counseling; medical staff can answer medical questions and provide follow-up medical care, including emergency contraception. Health and Wellness staff are available in Lyles House from 9:00 a.m. to 5:00 p.m., Monday through Friday.

Public Safety, 914.395.2222, Andrews House: Sarah Lawrence Public Safety staff members are available to respond to and intervene in dangerous or potentially dangerous situations, can transport you to the hospital, and can help you stay safe. Public Safety staff members are available to assist 24 hours a day, seven days a week.

Student Affairs, 914.395.2575, Bates Hall: Student Affairs staff members are available to assist you in accessing support resources and answer questions about College policy and the discipline process. Student Affairs staff are available 9:00 a.m. to 5:00 p.m., Monday through Friday. For after-hours emergencies, a member of the Student Affairs staff is available by calling Public Safety at 914.395.2222.

On Campus	Type of Services Available	Service Provider	Contact Information
Title IX Coordinator	Title IX	Allen Green	914.395.2527
Counseling*	Mental Health Counseling	Dina Nunziato	914.395.2350
Health*	Medical Care	Mary Hartnett	914.395.2350
Student Financial Aid	Financial Aid Assistance	Nick Salinas	914.395.2570
Visa and Immigration	Visa/Immigration Advice	Shirley Bé/Daniel Licht/ Alba Coronel	914.395-2505/ 2301/2371
Academic	Academic Accommodations	Danny Trujillo	914.395.2252
Housing	Housing Accommodations	Myra McPhee	914.395.2575

*confidential resource, and no cost for services

Off-Campus Resources

The following organizations provide assistance for persons dealing with violence at no cost or there are options for reimbursements:

Westchester County Victims Assistance Services Crisis Helpline (for anyone)

914.345.9111

855.VAS.CALL (Toll-Free) (24-hr.)

www.westcop.org/survivor-survivor-victims-assistance/

My Sisters' Place Domestic Violence Shelter and Hotline (for women)

800.298.SAFE (7233) (24 hrs.)

www.mysistersplaceny.org

New York City Gay & Lesbian Anti-Violence Project Hotline

For the lesbian, gay, transgender, bisexual, and HIV-affected communities

212.714.1141 (24 hrs.)

www.avp.org

Hudson Valley Justice Center

Provides free legal services to the immigrant community with various civil legal issues, including housing, immigration, and wage theft

30 South Broadway, 6th floor, Yonkers, NY 10701

914.308.3490

www.HVJC.org

National Sexual Assault Hotline

Operated by RAINN (Rape, Abuse, and Incest National Network)

(800) 656-HOPE (4673) (24 hrs.)

<http://www.rainn.org>

Pace Law School Women's Justice Center

914.422.4628 (legal assistance for all individuals experiencing sexual violence regardless of sex or gender)

Rape Crisis Help Line

914.345.9111 (24 hrs.)

New York State Domestic Violence Hotline

800.942.6906 (24 hrs.)

Yonkers Criminal Court

914.377.6354

Yonkers Family Court

914.831.6525

Yonkers Police Department (non-emergency)

914.377.7900

Westchester County District Attorney

Yonkers Branch 914.377.6400

Main Branch, 914.995.3414

NY State Dedicated Hotline for reporting sexual assaults on college and university campuses

844.845.7269

Off Campus	Type of Services Available	Service Provider	Contact Information
Yonkers Police	Law Enforcement	Yonkers Police	914.377.7900
Health	Forensic Exam (Rape Kit)	Westchester Medical Center (Forensic Acute Care Team [FACT])	914.493.7307
Mental Health	Mental Health Assistance	Westchester County Victim Assistance Services (no cost)	914.345.9111
Victim Advocacy	Advocacy	Westchester County Victim Assistance Services (no cost)	914.345.9111
Legal Assistance	Orders of Protection, Legal Rights	Pace Law School Women's Justice Center	914.422.4628
Visa and Immigration Assistance	Visa/Immigration Advice	Hudson Valley Justice Center	914.308.3490
District Attorney	Legal	Westchester County District Attorney	914.377.6400

Another resource available to persons who report being the survivor-victim of sexual assault, domestic violence, dating violence, or stalking: **Department of Justice**, <http://www.ovw.usdoj.gov/sexassault.html>

Prevention and Education

All members of the Sarah Lawrence community play a role in creating a culture of safety and respect and in eliminating sexual harassment, sexual assault, domestic violence, dating violence and stalking. Members of the campus community can take steps to limit the potential to hurt others by seeking out education on what consent really means. Without a proper understanding of the concept of consent, any person is at risk for committing a violation of this policy.

The majority of people do not engage in acts of sexual harassment or sexual assault. However, many people witness varying degrees of sexually offensive conduct. The actions taken to effectively intervene when sexually offensive conduct has been identified send the clear message that disrespectful, demeaning, and violent behavior is not acceptable. Such an intervention also may serve to educate and prevent someone from committing a sexual offense in the future, and may empower and validate the person experiencing the behavior. Making a choice to denounce violence of any kind is a choice that supports a peaceful, respectful, and vibrant community.

The following are steps you can take to help make this a safer community (Safe Bystander Intervention):

- Call Public Safety if you witness a violent or potentially violent situation, are aware of an assault taking place, or are concerned for someone's safety.
- Intervene if you believe someone's boundaries are being violated or that they are in a potentially uncomfortable or unsafe situation; ask if they are comfortable with the situation and if they are in need of any assistance. Alternatively, you may alert other sources of assistance (e.g., Public Safety, Residence Life staff, or other College employees in the vicinity). If you are not able to say something at the time of the incident, or if you are still concerned about the person's well-being, follow up

with them later by asking how they felt about the incident and if the person would like assistance in getting support.

- If you hear someone acting, speaking, or telling jokes in a manner that is offensive, demeaning, or abusive to a targeted person or group of people, ask them to stop.
- If you are aware that an incident of sexual harassment, sexual assault, domestic violence, dating violence, or stalking has taken place, encourage the person to report the incident and seek support.

The College utilizes a variety of educational methods for students, faculty, and staff regarding sexual harassment, sexual assault, domestic violence, dating violence and stalking.

Student Onboarding and Ongoing Efforts

Sarah Lawrence College has developed a comprehensive student onboarding and ongoing education campaign to educate members of the College community about domestic violence, dating violence, stalking, and sexual assault, in compliance with applicable federal laws, including the Clery Act as amended by the Violence Against Women Act reauthorization of 2013, 20 U.S.C. § 1092(f). Topics about which education is provided include:

- The fact that College prohibits sexual and interpersonal violence and will offer resources to anyone who has experienced such violence while taking appropriate administrative and conduct action regarding any allegedly responsible individual within the jurisdiction of the institution;
- Relevant definitions including, but not limited to, the definitions of sexual assault, domestic violence, dating violence, stalking, confidentiality, privacy, and consent;
- The fact that policies in this area apply equally to all students regardless of sexual orientation, gender, gender identity, or gender expression;
- The role of the Title IX Coordinator, campus security, and other relevant offices that address domestic violence, dating violence, stalking, and sexual assault prevention and response;
- Awareness of violence, its impact on those who have experienced sexual violence as well as their friends and family, and its long-term impact;
- Bystander intervention and the importance of taking action to prevent violence when one can safely do so;
- Risk assessment and reduction including, but not limited to, steps that all persons can take to lower the incidence of violations, which may contain information about the dangers of drug and alcohol use, including underage drinking and binge drinking, involuntary consumption of incapacitating drugs and the danger of mislabeled drugs and alcohol, the importance of communication with trusted friends and family whether on campus or off campus, and the availability of College officials who can answer general or specific questions about risk reduction;
- Consequences and sanctions for individuals who commit crimes and code of conduct violations;
- The fact that the College requires all employees to participate in an interactive online program that outlines current laws against sexual harassment and provides examples that clearly illustrate situations and behaviors to be avoided. Employees must take the program when first employed and then at least once every three (3) years thereafter throughout employment;
- The fact that all new students are required to complete on-line programs regarding sexual violence, affirmative consent, and bystander intervention;
- The fact that the College administers a student survey to assess the campus climate regarding sexual violence every other year; and
- On-going training throughout the academic year is provided for athletes, student leaders and student organizations.

Procedures for Reports or Complaints against Students for Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence and Stalking

The following procedures apply for cases in which the Reporting individual is a student, and the Responding Individual is a student (either graduate or undergraduate). Similar but separate processes apply in the case where a Responding Individual is a College employee (faculty or staff). Please consult the Director of Human Resources for the procedures for cases in which the Responding Individual is a faculty or staff member.

Enforcement of This Policy

The College will promptly respond all reports of sexual harassment, sexual assault, domestic violence, dating violence and stalking. It will take necessary and appropriate measures seeking to remedy such situations, although its ability to do so may be impaired or precluded if a Reporting Individual is unable or unwilling to identify a potentially responsible party. In addition, if a Reporting Individual wishes to maintain confidentiality and requests that a name or other identifiable information not be shared in connection with any investigation or proceedings under this policy, or requests the College does not conduct an investigation, the College may in its discretion elect to honor the Reporting Individual's request. The Reporting Individual may also withdraw a Formal Complaint or any continuing involvement from the College's process at any time. However, the Title IX Coordinator must weigh requests for confidentiality or for the College to refrain from any investigation or proceeding under this policy against the College's obligation to take reasonable steps to help ensure a safe, nondiscriminatory environment for all members of its community, and will in the Coordinator's discretion make the determination as to whether an investigation must be conducted or proceedings under this policy must occur.

If a Reporting Individual chooses not to make a Formal Complaint to the College regarding an incident, that party nevertheless should consider preserving evidence in the event that they decide at a later date to report the incident to law enforcement, or pursue proceedings under this policy at the College; such evidence may assist in proving that the alleged criminal offense occurred, or otherwise be useful in connection with future proceedings. This evidence may include things like instant messages, social networking pages, other communications, pictures, logs or other documents. However, potential Reporting Parties should understand that a delay in reporting, a delay in proceeding, and/or a delay in providing evidence may negatively impact, or even preclude, the ability of law enforcement or the College to investigate or to establish proof of potential violations of the law or of College conduct policies.

Protection from Retaliation

All students and employees are expected to cooperate fully with any sexual offense investigation. The College does not tolerate retaliation or discrimination of those who bring forward a report against any person and/or their family and friends, as well as any person who cooperates in the investigation of a report, or who participates in the conduct process for an alleged violation of this policy. Anyone who

believes they have been retaliated against as a result of their involvement with an investigation and/or conduct process for an alleged violation of the Policy on Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence and Stalking should report the alleged retaliation to the Dean of Student Affairs immediately. The appropriate conduct action will be taken, independent from the Formal Complaint process, and sanctions for retaliation range up to and including suspension or expulsion from the College in the case of a student who has retaliated, and up to and including termination of employment in the case of an employee who has retaliated. For further information on the College's general policy on retaliation, please refer to the Student Handbook.

Reporting an Incident

If a person has experienced sexual harassment, sexual assault, domestic violence, dating violence or stalking, that person is *strongly* encouraged to file a Formal Complaint with the College. For a detailed discussion of the procedures that will be followed with respect to receipt of a report or of a formal complaint under this policy, see the College's Procedures Addressing Allegations or Formal Complaints against Students for Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence and Stalking, at pages 17-31.

To file a Formal Complaint and initiate the College's conduct process for an alleged violation of this policy, contact either of the people listed below. The involved administrator(s) will explain the Formal Complaint procedures and conduct process.

Title IX Coordinator, Allen Green Phone Number: 914.395.2527
Email Address: agreen@sarahlawrence.edu
Campus Location: Andrews Annex 102B

Title IX Investigator, Caressa Nguyen Phone Number: 914.323.6138
Email Address: cnguyen@sarahlawrence.edu
Campus Location: Andrews Annex 102C

Intake of Preliminary Reports

Any student who believes that they have been subjected to conduct that constitutes sexual harassment, sexual assault, domestic violence, dating violence and/or stalking (see Policy on Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence and Stalking [the "Policy"] for definitions of those terms) is encouraged to alert the Title IX Coordinator or the Title IX Investigator. Upon receipt of this information (the "Preliminary Report"), the Title IX Coordinator, or the Coordinator's designee, will pursue the process discussed below.

The Title IX Coordinator's duty (or the duty of the Coordinator's designee) is to perform intake on Preliminary Reports, and to aid both parties in understanding their rights and the disciplinary process within the Policy. The Title IX Coordinator further provides assistance both to students who make a Preliminary Report and, where relevant, those who may thereafter respond to an allegation of one or more Policy violation(s). The Title IX Coordinator is also available to receive reports of concern from third parties and determine an appropriate response to assist students.

The Title IX Investigator may assist the Title IX Coordinator with intake of Preliminary Reports; the Title IX Investigator also may perform intake of Preliminary Reports if the Title IX Coordinator is unavailable, if the Reporting Individual requests to report to the Investigator, or if the Coordinator otherwise believes

that the Investigator is the most appropriate person to perform the intake. If Title IX Investigator performs intake without the presence of the Title IX Coordinator, the Investigator shall provide the Title IX Coordinator with all relevant information received during intake.

The Title IX Coordinator and/or Title IX Investigator may help to facilitate the following:

- Referrals to supportive and confidential resources on- and off-campus, such as Health and Wellness and Victims Assistance Services (VAS);
- Academic support, including notifying faculty regarding missed classes, dropping classes, withdrawal, exam extensions etc.;
- Emergency housing and/or exploring housing options;
- On-campus employment support, including notification to supervisors regarding missed shift or changing location or hours of work; and
- Identification of other supportive services on and off campus to meet students' needs.

Assessment of Intake

After receiving a Preliminary Report alleging sexual assault, dating/domestic violence, stalking, and/or sexual harassment, the Title IX Coordinator shall conduct an Initial Assessment to evaluate whether, if substantiated, the conduct as alleged in the Report could constitute a Policy violation, and whether it is possible to proceed with the College's conduct process. The Title IX Coordinator may consult with other SLC administrators during the assessment. The Title IX Coordinator shall assess the available information and may take any of the following actions:

- The Title IX Coordinator may dismiss the Preliminary Report upon a determination that the conduct alleged in the Report does not constitute a potential violation of the Policy on Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence and Stalking, or is implausible;
- The Title IX Coordinator may refer the Report to another office at the College for review or to address the conduct through alternate means and policies, if it is determined that the Report details conduct that is outside the scope of the Policy, but may violate one or more other College policies, may violate the Code of Conduct, or may trigger other corrective action; or
- The Title IX Coordinator will review available options for resolution with the Reporting Individual, and may determine appropriate interim measures, facilitate accommodations, and initiate proceedings in furtherance of an appropriate resolution, which may include one or more of the following: Administrative Accommodations, Mediation, or the Formal Complaint Process.

Depending on the circumstances and the chosen mode of resolution, the Responding Individual may or may not be notified of the existence of the Preliminary Report or the outcome at this stage. A Responding Individual must be notified when the College takes action that would impact that Responding Individual, such as the institution of protective measures that may restrict the Responding Individual's privileges or ability to access campus, the initiation of an Investigation, the decision to seek to involve the Responding Individual in Administrative Accommodations, or the commencement of the Formal Complaint Process.

Campus Safety Alert Communication

Upon receipt of a report of a rape, statutory rape, incident of incest and/or of fondling, and if there is thought to be a continuing threat to the safety and security of students and/or employees, Sarah Lawrence College will issue a campus safety alert in an anonymized manner that identifies neither the specifics of the crime nor the identity of the Reporting Individual.

Reporting Individuals and the greater community are entitled to receive information regarding institutional crime reporting including, but not limited to: reports of certain crimes occurring in specific geographic locations that shall be included in the College's annual security report pursuant to the Clery Act, 20 U.S.C. 1092(f), in an anonymized manner that identifies neither the specifics of the crime nor the identity of the Reporting Individual; that the institution is obligated to issue timely warnings of crimes enumerated in the Clery Act occurring within relevant geography that represent a serious or continuing threat to students and employees, except in those circumstances where issuing such a warning may compromise current law enforcement efforts or when the warning itself could potentially identify the Reporting Individual; that a Reporting Individual shall not be identified in a timely warning; that the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, allows institutions to share information with parents when (i) there is a health or safety emergency, or (ii) when the student is a dependent on either parent's prior year federal income tax return; and that, generally (and absent the existence of the circumstances discussed in the immediately preceding clause, at subparts (i) and (ii)), the College *will not* share information about a report of domestic violence, dating violence, stalking, or sexual assault with parents, without the permission of the Reporting Individual.

Available Options for Reporting Individuals

At the conclusion of the initial assessment by the Title IX Coordinator, relevant options for resolution will be discussed with the Reporting Individual. Possible resolutions typically will include: Administrative Accommodations, Mediation, or pursuit of the Formal Complaint Process. At any time after a Preliminary Report is filed, the Reporting Individual may request any one of these forms of resolution. The College will consider, but will not be bound by, a Reporting Individual's request, and in all events federal guidance requires that allegations of sexual assault can *only* be resolved through the Formal Complaint Process, which entails conducting an investigation and having a hearing before a Hearing Panel. (See pages 28-35 below). An investigation and pursuit of the Formal Complaint Process also may be directed by the Title IX Coordinator, even if one or both parties request an alternate resolution.

Two of the three forms of resolution (Administrative Accommodations and Mediation) do not involve potential disciplinary action. These options can be (upon the Coordinator's approval) available when the parties do not wish to proceed with an investigation and/or appear before the Hearing Panel as required under the Formal Complaint Process, but instead seek the Title IX Coordinator's assistance to resolve allegations of sexual harassment, domestic violence, dating violence, and/or stalking.

As discussed above, the Title IX Coordinator also has the authority to take immediate, corrective action to address all alleged Policy violation(s). The Title IX Coordinator, in consultation with the appropriate College administrators, may determine that additional action is appropriate without the participation of the parties, and may insist upon an investigation and pursuit of the Formal Complaint Process in order to ensure a safe campus environment.

Administrative Accommodations

Administrative Accommodations are available when the Reporting Individual does not want to engage in Mediation and declines to pursue the Formal Complaint Process, or the Coordinator's Office does not have sufficient information to initiate an investigation. Administrative Accommodations do not involve any adjudication of responsibility, but will focus on attempting to provide accommodations, support, and protective measures upon request by the Reporting Individual.

These accommodations, if approved by the Title IX Coordinator, may include no-contact orders, implementation of safety measures, and referrals to counseling. One or more of the following protective measures and accommodations, which may be temporary or permanent, may be taken where reasonable and appropriate under the circumstances:

- Imposing an on-campus “no contact” directive;
- Imposing a *persona non grata*, or “PNG,” directive (in the event that the Responding Individual is a non-SLC individual);
- Providing access to counseling services and assistance in setting up an initial appointment and waiving the semester limit for sessions;
- Rescheduling of exams and assignments;
- Providing alternative course completion options;
- Making changes in class schedule, including the ability to transfer course sections or withdrawal from a class without penalty;
- Making changes to a Student’s College housing, including assistance from staff in completing relocation;
- Providing assistance for on-campus employment, such as missed shifts as a result of incident or making changes to work schedule;
- Providing an escort to ensure safe movement between classes and activities;
- Providing medical services; and/or
- Voluntary leave of absence.

Excluding a request for a no-contact order or a PNG directive, administrative accommodations may not require that the Responding Individual be notified. For further information on protective/interim measures, please refer to pages 23-26.

Request to Decline Formal Complaint Process

The Reporting Individual may request that an investigation not be undertaken, or decline to file or pursue a Formal Complaint. Decisions declining to consent to an investigation or to pursue the Formal Complaint Process generally will be honored by the College, *unless* the College in its discretion determines that failure to investigate does not adequately mitigate a potential risk of harm to the Reporting Individual or other members of the community. Reporting Individuals will be made aware that honoring such a request may limit the College’s ability to meaningfully investigate and pursue conduct action against an allegedly responsible party. Factors used to determine whether to honor such a request include, but are not limited to:

- a. Whether the allegedly responsible party, if identified to the College by the Reporting Individual, has a history of violent behavior or has been a repeat offender;
- b. Whether the incident represents escalation in unlawful or inappropriate conduct from previously noted behavior by the allegedly responsible party;
- c. The increased risk that the allegedly responsible party will commit additional acts of violence;
- d. Whether the allegedly responsible party used a weapon or force;
- e. Whether the circumstances reported suggest an identifiable and tangible risk to the community;
- f. Whether the Reporting Individual is a minor; and
- g. Whether the institution possesses other means to obtain evidence such as security footage, and whether available information reveals a pattern of conduct at a given location or by a particular group.

If the College determines not to investigate or to pursue the Formal Complaint Process, it will notify the Reporting Individual in writing, including that the determination was made at the Reporting Individual's request.

Mediation

The purpose of mediation is to identify the implications of certain forms of conduct by a student that allegedly violated this policy, and to fashion appropriate remedies to address that conduct. Either party may request mediation to seek resolution; mediation will be available, however, only upon the consent of both parties, and only where the conduct alleged does not involve acts constituting sexual assault. Prior to mediation, a temporary no-contact order will be put in place to ensure the parties do not contact one another during the process. Either party has the right to terminate participation in the mediation process. If a resolution cannot be reached, the Reporting Individual has the ability to pursue the Formal Complaint Process discussed below.

Mediation will be facilitated by the Title IX Coordinator or the Coordinator's designee. If the mediation results in a resolution, the matter will be closed. During mediation, the facilitator will guide a discussion between the parties for an outcome in which both parties agree upon. If either party feels uncomfortable seeing the other party, the parties may be present for mediation via telephone or electronic means facilitated by the College. Whether or not the parties agree to meet face to face, each party will be permitted to bring an adviser of their choice to the mediation meeting(s).

At the conclusion of the mediation, if agreement is reached the facilitator will place in writing that an agreement that was reached between the parties. A notification of this agreement will be given to both parties. The Title IX Coordinator will approve the agreement and monitor adherence to the proposed solution.

Formal Complaint Process

The final option for resolution is an investigation and hearing to take place, pursuant to the College's Formal Complaint Process. For details regarding the Formal Complaint Process, please refer to the information beginning on page 28.

Timeliness of Formal Complaints

If a student reports an incident of sexual violence to any College employee—excluding the Health & Wellness staff—that employee is required to disclose the report to the Title IX Coordinator, who will initiate a campus response.

Students believing that there has been a violation of this Policy on Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence and Stalking, are strongly encouraged to report the suspected violation as soon as possible. Delays in reporting can negatively impact the College's ability to investigate, and in certain cases can foreclose the ability of the matter to proceed to a hearing, and/or limit the available options in the event a finding of responsibility issues. While there is no deadline for filing a complaint, in order for the hearing procedure directed by this policy to occur, the Responding Individual must be enrolled at the College at the time that the report is made.

If the Reporting Individual and/or the Responding Individual will be graduating before the investigation and/or the hearing procedure has concluded, the graduated parties will be encouraged to participate in the remaining portions of the investigation and/or hearing, and participation will be facilitated through

electronic means (e.g. Skype), if the person is not able to attend and participate in person. If the Responding Individual has graduated before the investigation or hearing procedure has been concluded, but the hearing results in a finding of responsibility, among other things, the sanction may include a restriction or limitation on the Responding Individual's access to campus, to College events, or to future campus employment.

The College will, in all events, however, follow up as deemed by the Title IX Coordinator to be appropriate on reports made by students and about students who are no longer enrolled at the College or employees who are no longer employed. Management of such reports will be conducted with the oversight of the Title IX Coordinator.

Reporting to Law Enforcement

It is the right of the Reporting Individual to decide whether to file a criminal report. If the Reporting Individual decides to file a criminal report, the College will assist in contacting the Yonkers Police Department, or other appropriate law enforcement agency. The College also has an agreement with the Yonkers Police Department which obligates the Police Department to respond to criminal reports and to take appropriate action. When the police come to campus, they will take statements and engage in such acts as appropriate to ensure the physical safety of the involved persons. Interviews generally will be conducted in private, but students can request the presence of a member of Public Safety, a friend, or another adviser or supportive person during the interview. The police will get as much information as possible about the incident in order for them to investigate the case further. Sexual offenses should be reported as promptly as possible, so as to aid in the collection and preservation of relevant evidence, particularly forensic evidence.

Once the police investigation is completed, the case generally will be referred to the District Attorney's office for a preliminary review. The District Attorney's office decides whether a case will be prosecuted criminally. Some of the factors going into that decision will be the quantity and quality of evidence available to prove the charge(s) in court. If the District Attorney decides not to prosecute, that decision does not mean that the report of assault was not credible, or that there was no assault. It only means that, based on past experience, the prosecutors in the District Attorney's Office do not believe that there is sufficient evidence to successfully prosecute the case in court, where they must prove guilt beyond a reasonable doubt.

The standards for finding a violation of criminal law are different from the standards for finding a violation of the College's Policy on Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence and Stalking. Therefore, criminal investigations or reports, or decisions made by the District Attorney with respect to bringing a criminal case, are not determinative of whether sexual harassment or assault can be found to have occurred under the College's policy. Behavior or conduct may constitute a violation under the College's policy even if the prosecutors decide that there is insufficient evidence to prove that a crime has occurred. The filing of a formal complaint with the College under this policy is independent of any criminal investigation or proceedings, and the College will not wait for the conclusion of any criminal investigation or proceedings to begin its own investigation and will take interim measures to protect the Reporting Individual and the College community as necessary. In addition, the College's conduct process will run concurrently with a criminal justice investigation and proceeding, except for temporary delays as requested by external municipal entities while law enforcement gathers evidence. Temporary delays should not last more than ten days except when law enforcement specifically requests and justifies a longer delay.

Rights Afforded Under This Procedure

Student Bill of Rights

All students have the right to:

1. Make a report to local law enforcement and/or state police;
2. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
3. Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure by the institution;
4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
5. Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available;
6. Be free from any suggestion that the Reporting Individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
7. Describe the incident to as few institution representatives as practicable and not be required to unnecessarily repeat a description of the incident;
8. Be protected from retaliation by the institution, any student, the accused and/or the Responding Individual, and/or their friends, family and acquaintances within the jurisdiction of the institution;
9. Access to at least one level of appeal of a determination;
10. Be accompanied by an advisor of choice who may assist and advise a Reporting Individual, accused or Responding Individual throughout the judicial or conduct process including during all meetings and hearings related to such process; and
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice or judicial or conduct process of the institution.

Assistance for Reporting Individuals: Rights & Options

The College will ensure that students are advised of their right to:

- A. Make a report to police or campus security, local law enforcement, and/or state police;
- B. Have emergency access to a Title IX Coordinator or other appropriate officials trained in interviewing individuals who have experienced sexual violence, who shall be available upon the first instance of disclosure by a Reporting Individual to provide information regarding options to proceed, and, where applicable, the importance of preserving evidence and obtaining a sexual assault forensic examination as soon as possible, and detailing that the criminal justice process utilizes different standards of proof and evidence and that any questions about whether a specific incident violated the penal law should be addressed to law enforcement or to the district attorney. Such officials should also explain whether they are authorized to offer the Reporting Individual confidentiality or privacy, and shall inform the Reporting Individual of other reporting options where appropriate;
- C. Disclose confidentially the incident to institution representatives, who may offer confidentiality consistent with applicable laws and College policies, and can assist in obtaining services or resources for Reporting Individuals;
- D. Disclose confidentially the incident to, and obtain services from, the state or local government;
- E. Disclose the incident to institution representatives who can offer privacy or confidentiality (*i.e.*, confidential resources), as appropriate, and can assist in obtaining needed resources such as counseling and clinical care for Reporting Individuals;

- F. File a report of sexual assault, domestic violence, dating violence, and/or stalking and the right to consult the Title IX Coordinator and other appropriate institution representatives for information and assistance. Reports will be investigated in accordance with institution policy and the College will strive to have a Reporting Individual's identity remain private at all times if said Reporting Individual wishes to maintain privacy;
- G. Disclose, if the allegedly responsible party is an employee of the institution, the incident to the College's human resources authority, or to request that a confidential employee resource or other third party assist in reporting to the appropriate human resources authority;
- H. Receive assistance from appropriate College representatives in initiating legal proceedings in family court or civil court; and
- I. Withdraw a complaint or involvement from the institution process at any time.

At a minimum, at the first instance of disclosure by a Reporting Individual to an institution representative, the following information should be presented to the Reporting Individual: "You have the right to make a report to the university police or campus security, local law enforcement, and/or state police or choose not to report; to report the incident to your institution; to be protected by your institution from retaliation for reporting an incident; and to receive assistance and resources from your institution."

Access to Information on Resources

Reporting Individuals will be informed of their rights to the protections and accommodations referenced in this policy. The College shall also ensure that Reporting Individuals have information about resources, including intervention, mental health counseling, and medical services, which shall include information on whether such resources are available at no cost or for a fee. The College will also provide information on sexually transmitted infections, sexual assault forensic examinations, and resources available through the New York state office of survivor-victim services.

Regardless of whether a Reporting Individual elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the College will assist all persons stating that they are survivor/victims of sexual assault, domestic violence, dating violence, and stalking, and the College will provide each such person with a written explanation of their rights and options. Such written information will include:

- the procedures survivor/victims should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred;
- information about how the institution will address confidentiality concerns and protect the confidentiality of Reporting Individuals and other involved parties;
- a statement that the institution will provide written notification to students and employees about survivor-victim services within the institution and in the community;
- a statement regarding the institution's provisions about options for, available assistance in, and how to request accommodations and protective measures; and
- an explanation of the procedures for institutional disciplinary action.

Accommodations and Protective/Interim Measures Available

Upon receipt of a report of sexual harassment, domestic violence, dating violence, sexual assault or stalking, Sarah Lawrence College will provide written notification to reporting students and/or employees about accommodations available to them, including academic, living, transportation and working situations. The written notification will include information regarding the accommodation options, available assistance in requesting accommodations, and how to request accommodations and protective

measures (i.e., the notification will include the name and contact information for the individual or office that should be contacted to request the accommodations). Similar notifications will issue to Responding Individuals at or near the time they may be contacted with respect to an investigation into the report.

At the Reporting Individual's request, and to the extent their cooperation and consent permits, the Title IX Coordinator will work cooperatively to assist the Individual in obtaining accommodations. If reasonably available, a Reporting Individual may be offered changes to academic, living, working or transportation situations or other applicable arrangements, regardless of whether the Individual chooses to report the crime to campus police or local law enforcement, in order to help ensure safety, prevent retaliation and avoid an ongoing hostile environment. Examples of options for a potential change to the academic situation may be to transfer the Responding or Reporting Individual to a different section of a class, to reduce course loads, to permit withdrawal with the option to take a class at another time if there is no option for moving to a different section, and similar types of accommodation. Potential changes to living situations may include moving the Responding or Reporting Individual to a different room or residence hall. Possible changes to work situations may include changing working hours or work assignments of the Responding or Reporting Individual. Possible changes in transportation may include having the student or employee park in a different location, assisting the student or employee with a safety escort, and similar transportation-related supports. Responding Individuals also may seek such accommodations where appropriate. Both the Responding Individual and the Reporting Individual shall, upon request and consistent with the College's policies and procedures, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of any such interim measure and accommodation that directly affects them, and shall be allowed to submit evidence in support of their request. Restrictions that may arise from the issuance of interim accommodations are not sanctions imposed for violations of this policy, and they may be imposed at any time in the process, and without the need for a finding of responsibility or non-responsibility for any policy violation on the part of any party.

College No-Contact Order

Upon receiving an initial report, the Title IX Coordinator may issue an emergency no contact order to any parties involved, which may be reviewed once there has been an opportunity for evaluation and/or investigation. The College also may issue an institutional no contact order if deemed appropriate, or at the request of the Reporting Individual and/or the Responding Individual. The College will establish the conditions of the no contact order, applicable to both parties. If the College receives a report that such an institutional no contact order has been violated, the College will initiate the conduct process appropriate to the status of the individual who allegedly has violated the order (student, employee, or third party) and will impose sanctions if that individual is found responsible for violating the no contact order.

Should a "no contact order" be issued, continued intentional contact between the two individuals would be a violation of College policy subjecting that individual to additional conduct charges. Even where there is a no-contact order in place, if the Responding Individual and the Reporting Individual observe each other in a public place, it shall be the responsibility of the *Responding Individual* to leave the area immediately, and without directly contacting or communicating with the Reporting Individual. The College may establish an appropriate schedule for Responding Individuals subject to no-contact orders to access applicable College buildings and property at a time when such buildings and property are not being accessed by the Reporting Individual. All individuals involved will be given an explanation of the consequences for violating these orders, including but not limited to additional conduct charges and interim suspension.

Both the Responding Individual and the Reporting Individual shall, upon request and consistent with College policies and procedures, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of a no contact order, including potential modification, and shall be allowed to submit evidence in support of such requests. The Title IX Coordinator will reevaluate the need for the no contact order at the beginning of each semester, as long as both parties continue to be enrolled and/or employed at the College. Restrictions that may arise from the imposition of no-contact orders are not sanctions imposed for violations of this policy, and they may be imposed at any time in the process, and without the need for a finding of responsibility or non-responsibility for any policy violation on the part of any party.

Orders of Protection

Orders of protection, sometimes called restraining orders, are legally mandated court orders issued by the courts, the District Attorney's office and/or the local police or the police of the jurisdiction in which an incident occurred. The College has no direct role in the process related to the issuance of orders of protection. However, individuals have the right to be assisted by the College's security officers, if applicable, or other College officials in seeking an order of protection. They are also entitled to receive a copy of any order of protection or equivalent that may be issued, as promptly as practicable after such order is received by the College, and have an opportunity to meet or speak with a College representative, or other appropriate individual, who can explain the order and answer questions about it, including information about the responsibility of the recipient of the order to stay away from the protected person or persons.

Sarah Lawrence College recognizes orders of protection by directing any person who obtains an order of protection to provide a copy to the AVP of Public Safety. An individual who is a protected person under the order may then meet with the AVP of Public Safety to develop a plan to reduce risk of harm while on campus, or while coming and going from campus. This plan may include, but is not limited to, escorts, special parking arrangements, changes in housing/academic/campus work arrangements, and other necessary accommodations.

Individuals have the right to receive assistance from campus security when the individual may seek to cause or request an arrest for an alleged violation of an order of protection. College Public Safety staff, however, does not possess arrest powers. Therefore, upon request College Public Safety staff will call on local law enforcement for this purpose. Nothing in this policy shall limit or negate current law enforcement jurisdiction and procedures. A comprehensive discussion of orders of protection is available in the Appendix, as well as the immediately preceding section of this policy.

Cases in Which There Is No Order of Protection in Place

Please note, even if there is no order of protection in place, the College can still help parties under this policy with the development and implementation of a plan to reduce risk of harm while on campus, or while coming and going from campus. This may include, but is not limited to, escorts, special parking arrangements, and changes in housing/academic/campus work arrangements and other necessary accommodations.

Threat Assessment

A threat assessment is a process conducted by the AVP of Public Safety and Security to determine if a student may be a danger to members of the College community. The Title IX Coordinator, in consultation with such others as the Coordinator may deem appropriate, will determine if a threat assessment should

occur. Typically, a threat assessment will consider whether the Responding Individual may be a danger to the Reporting Individual, or to the College community. If it is determined that the Responding Individual may be a danger to the Reporting Individual or the community, the Dean of Studies and Student Life, in consultation with such others as the Dean may consider appropriate, will take appropriate action to address and limit the perceived danger. Such action can include removing the Responding Individual from campus immediately, or restricting access to portions of the campus or to one or more campus activities. Additional interim restrictions may be determined by the Dean of Studies and Student Life or the Dean of Student Affairs, commensurate with the needs and interests of the campus community. Restrictions that may arise from the threat assessment process are not sanctions imposed for violations of this policy, and they may be imposed at any time in the process, and without the need for a finding of responsibility or non-responsibility for any policy violation on the part of any party.

Interim Suspension

If the Responding Individual is a student and refuses to participate in the threat assessment process, they may be placed on social probation, not permitted to live on campus, placed on interim suspension or subjected to such other limits and restrictions pending the outcome of the conduct process as the Dean of Studies and Student Life or the Dean of Student Affairs may, in the Dean's discretion, deem appropriate.

Both Responding Individual and the Reporting Individual shall, upon request and consistent with the College's policies and procedures, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of an interim suspension, including potential modification, and shall be allowed to submit evidence in support of his or her request.

Sex Offender Registration

The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice, as required under State law, to each institution of higher education in that State at which the person is employed, carries on a vocation, volunteer services, or is a student. Information regarding sexual offenders is available through the New York State Offender Registry at <http://criminaljustice.state.ny.us/nsor/> or by calling, toll-free, 1.800.262.3257. Compliance with the provisions of this policy does not constitute a violation of section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly known as the Family Educational Rights and Privacy Act of 1974 (FERPA).

Definitions of Involved Constituents

Advisor:

Students may select an advisor of their choice. Members of the Hearing Panel or those who will be serving as witnesses in the case may not serve as an advisor. If either the Reporting Individual or Responding Individual believes there is conflict of interest as to who is serving as an adviser, that party must communicate that to the Hearing Coordinator at least two weeks prior to a hearing. The Hearing Coordinator will determine if there is conflict of interest and if so, the advisor will be removed. The party without the advisor will then need to select another one if they so choose do so.

The sole role of the advisor throughout the process and during the hearing is to provide support and advice to the student. Advisors may not ask questions of the parties or the witnesses and may not speak

to the panel at the hearing, or during investigative interviews. At the student's request, the advisor may be present any time their advisee is meeting with the investigator, the Hearing Coordinator, or other member of the College staff regarding the investigation or the conduct procedure. The advisor may not speak on behalf of the student; the student must speak on her/his own behalf at all stages of the process. The advisor must maintain the confidentiality of the entire discipline process.

Hearing Coordinator:

The Dean of Student Affairs or the Dean's designee serves as the Hearing Coordinator. The Hearing Coordinator is responsible for overseeing the hearing procedure for all alleged violations of the Policy on Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence and Stalking, including reviewing the Final Investigatory Report, convening and chairing the Hearing Panel, disseminating the panel's decisions, and maintaining the case records. The Hearing Coordinator ensures that the Reporting Individual's and the Responding Individual's rights under these procedures are honored and that the hearing procedures are followed. The Hearing Coordinator will be present for the hearing, may ask questions of all parties involved in the hearing, but will not take part in the deliberations of the Hearing Panel or vote on the hearing outcome. However, the Hearing Panel may call upon the Hearing Coordinator during the panel's deliberations to answer questions about the conduct process or precedent or other pertinent matters.

Hearing Panel:

The Hearing Panel hears formal complaints of alleged violations of the Policy on Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence and Stalking, and other College policies as appropriate, makes determinations of responsibility in such cases, and, if applicable, determines sanctions. A Hearing Panel is composed of three members of the Sarah Lawrence College non-student community: two staff members and one faculty member. The Dean of Studies and Student Life will appoint a pool of at least eight full-time staff members and the Provost and Dean of the Faculty will appoint a pool of at least eight faculty members from whom the Hearing Coordinator will choose to form a panel for each hearing. Hearing Panel members are to be trained annually. Potential panel members may be excused from a hearing in the event of a conflict of interest, lack of availability, or other valid reason, as determined by the Hearing Coordinator, in the Coordinator's sole discretion.

Investigator:

The College's Title IX Investigator may investigate reports and formal complaints in regards to the Policy on Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking. In the event that there is a conflict of interest or lack of availability from the Title IX Investigator, the Assistant Director of Public Safety shall assume the role of investigator. However, in the event that neither individual listed can take on this role, the Title IX Coordinator will designate an alternate employee to take on the responsibility of investigator.

The investigator is responsible for overseeing and completing the investigation procedure and shall the draft the Final Investigatory Report, which includes evidence, statements, and/or interviews of the Reporting Individual, Responding Individual, and any relevant witnesses.

Reporting Individual:

The Reporting Individual is a person who reports that they have been the subject of an alleged violation of the Policy on Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking and wants a formal process initiated.

Responding Individual:

The Responding Individual is a person who has been alleged to have violated, and/or has been charged with an alleged violation of the Policy on Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking, and other/or related conduct violations under applicable College policies.

Witnesses:

Both the Reporting Individual and the Responding Individual may identify unlimited witnesses who may have direct knowledge of the incident during the Formal Complaint Process. It is suggested that both parties present these witnesses during the investigation phase of the process, or as soon as possible, to ensure that the information these witnesses may have is promptly communicated and recorded, although the parties are not precluded from identifying witnesses at any phase of the process. It is possible that additional witnesses can be identified by the investigator who is conducting the investigation. Such witnesses will be disclosed to all parties upon review of the Final Investigatory Report.

Witnesses generally are given the option to submit a written statement and/or be interviewed by the designated investigator. The investigator shall be allowed to use discretion in determining what method of information gathering is necessary and most appropriate for the investigation. Witnesses are expected to be present for the hearing. A written statement in lieu of a personal appearance will be approved only if there is a good reason preventing the witness from being present, as determined by the Hearing Coordinator in the Coordinator's sole discretion. Witnesses shall be in the hearing room only during the time they are speaking. Witnesses will answer questions from the Hearing Panel, the Reporting Individual, and the Responding Individual, assuming those questions as posed are deemed appropriate and relevant by the Hearing Coordinator.

Formal Complaint Process

Upon receipt of a Formal Complaint of an alleged incident of sexual harassment, sexual assault, domestic violence, dating violence and/or stalking, the College will discern if there is sufficient information (such as the names of individuals involved and description of incident) to warrant an investigation and pursue disciplinary action. At any point, the Reporting Individual may withdraw a complaint or involvement from the institutional process. However, the College may itself pursue a complaint with respect to the reported event(s) even if the Reporting Individual decides not to bring a Formal Complaint, or withdraws the Formal Complaint at some point after filing it. Often, the College will defer to the wishes of the Reporting Individual in these circumstances, but reserves sole discretion with respect to the decision whether to proceed, or to refrain from proceeding.

The investigation and the hearing processes (exclusive of any appeals) with respect to a Formal Complaint for sexual harassment, sexual assault, domestic violence, dating violence, and stalking are usually completed within sixty (60) days of the College's receipt of the Formal Complaint. However, the College's process allows for extensions of this time frame, and all other time frames specified below, when the assigned investigator, the Title IX Coordinator, or other responsible College official determines that good cause for such extension(s) exists. Written notice to the Reporting Individual and the Responding Individual of the extension and the reason for the extension will be provided where practicable.

Upon receipt of a Formal Complaint, the Title IX Coordinator will assess and/or provide the following:

- A. **Interim Measures:** The College will take immediate steps to ensure equal access to its education programs and activities and protect the Reporting Individual as necessary, including taking interim measures before the final outcome of an investigation. The specific interim measures implemented, and the process for implementing those measures, will vary depending on the facts of each case. Such interim measures typically will include the enforcement of the no-contact order and might include, if appropriate and reasonably possible, allowing the Reporting Individual and/or the Responding Individual to change academic arrangements, student employment schedules, extracurricular activities, or their living arrangements as well as access to counseling, academic support and other resources. The Responding Individual also may be placed on interim suspension until the conduct process has been concluded. Both the Reporting Individual and the Responding Individual shall, upon request, and consistent with the College's policies and procedures, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of these protections and accommodations, including potential modification, and shall be allowed to submit evidence in support of their request. However, the imposition of interim measures, and the nature of any interim measures imposed, shall be in the discretion of the Title IX Coordinator, or the Coordinator's designee. Interim measures are not a sanction or a disciplinary action under this policy, and their implementation shall not be deemed to constitute a finding of responsibility, nor shall such a finding be required as a precondition to the implementation of interim or protective measures.
- B. **No Contact Order:** The Title IX Coordinator, in most instances, will instruct both the Reporting Individual and the Responding Individual to refrain from contact with each other, known as a no-contact order, until the investigation and hearing is completed or until the Title IX Coordinator determines that the continuation of the no-contact order is no longer advisable. The no-contact order typically will prohibit direct contact and indirect contact (*i.e.* through third parties) via phone, electronic means, social media writing or through other people. Both parties typically will be required to sign a form agreeing to these terms. Failure to comply with these instructions will result in disciplinary action by the College.
- C. **Threat Assessment:** Upon receipt of a Formal Complaint, a threat assessment shall be performed, where appropriate, by the AVP of Public Safety and Security and the Title IX Coordinator, and a determination will be made regarding whether the Responding Individual may be a danger to the Reporting Individual or to the College community. If it is determined that the Responding Individual may be a danger to the Reporting Individual or the community, the Dean of Studies and Student Life will take appropriate action until the investigation and conduct process are completed. If it is determined that the Responding Individual is not a danger to the Reporting Individual or the community, the Responding Individual may still be subject to such restrictions as deemed appropriate by the Dean of Studies and Student Life or the Dean of Student Affairs. In any case, all parties must adhere to any mutual no-contact orders imposed.
- D. **The Investigation:** Under the authority of the Title IX Coordinator, the investigation will be conducted by one or more of the following individuals: the Title IX Investigator, the Assistant Director of Security, or another designee identified by the Title IX Coordinator. If a conflict of interest arises pertaining to any of the previously mentioned individuals, the Title IX Coordinator will designate an alternate employee to take on the responsibilities as described below. Thereafter, the designated investigator will begin the investigation into the alleged violations, following the investigation procedure discussed immediately below.

Investigation Procedure

The designated investigator(s) will draft a Final Investigatory Report as a part of the investigation procedure. The report is to remain confidential and shall only be accessible to necessary and appropriate individuals, including but not limited to: the designated investigator, Title IX Coordinator, Hearing Coordinator, the Hearing Panel, Reporting Individual, and Responding Individual, and such other persons, if any, who in the Title IX Coordinator's discretion are necessary and appropriate recipients. Typically, that Final Investigatory Report will be compiled by the assigned investigator(s) within thirty five (35) days of the date the Formal Complaint is filed by the Reporting Individual. The usual steps taken in connection with the investigatory process are as follows:

- A. The investigator will reach out to both the Reporting Individual and the Responding Individual with a request for dates and times to be interviewed by the investigator. Each party may identify an advisor they wish to be present during this interview.
- B. Upon conclusion of the interview, the investigator will ask the Reporting Individual and Responding Individual to provide the names and contact information for any witnesses they wish to suggest for participation in the investigation. Furthermore, if the investigator deems certain individuals to be witnesses with potentially probative information, these individuals may also be contacted to be a witness in the process, whether or not either party has brought them forward.
- C. Witnesses have the option to submit a written statement regarding their knowledge of the incident(s). If a witness submits a statement, the investigator will discern if an interview is needed. However, if a witness does not wish to submit a statement, the investigator will attempt to interview that witness.
- D. After interviewing an involved individual, the investigator shall draft a summary of the interview with said individual and shall send it to the individual to review. The individual may confirm the contents of the interview summary or comment on new information or discrepancies within the summary. If any comments are made, they will be added to the interview summary, directly following or adjacent to the corresponding parts of the investigator's original draft, and will also be included in the Final Investigatory Report as an appendix.
- E. All advisors and witnesses involved in the process, at the initial meeting with the investigator, will be provided by the investigator with a general description of their role in the process.
- F. During the investigation process, all parties involved will have the opportunity to provide evidence regarding the events surrounding the incident(s) to the investigator.
- G. The investigator may conduct follow-up interviews with the Reporting Individual, Responding Individual, and relevant witnesses as deemed necessary and appropriate.
- H. When all the interviews have been concluded, the Final Investigatory Report drafted by the investigator will be sent to the Hearing Coordinator and the Title IX Coordinator. Upon such submission, no changes are allowed to the Report itself, and any relevant information provided after the investigatory period will be included as an addenda. In the event that the Title IX Coordinator believes there may be material information missing from the Report, the Coordinator can direct the investigator to investigate further and make changes to the Final Investigatory Report.

As noted, the investigator(s) will strive to complete the investigation within thirty five (35) days. Extensions may become necessary, depending on any of the following:

- The cooperation and availability of witnesses, whether the College is in session and/or if there are criminal proceedings or criminal investigations underway with respect to the incident or incidents reported; or
- The Reporting Individual or Responding Individual requests a delay in the process, and that request is granted for good cause shown; or
- Other extenuating or appropriate circumstances.

If the investigation cannot be completed within thirty five (35) days, both the Reporting and Responding Individuals will be notified in writing by either the investigator or the Title IX Coordinator. The written notification, which typically will be sent before the expiration of the expected completion date for the investigation, will state (where appropriate) the reason for the extension, and an estimate of how much additional time will be needed.

Hearing Procedure

Within five (5) days of receiving the Final Investigatory Report, the Hearing Coordinator will complete and send a charge letter to the Responding Individual. The Reporting Individual also will receive a copy of the charge letter. This charge letter will describe or incorporate by reference the date, time, location and allegations concerning the conduct violation(s), the specific code of conduct provisions alleged to have been violated, and all possible sanctions. The charge letter typically also will specify the date and time of the hearing, which in most circumstances will be no less than ten (10) nor more than twenty (20) days after the date of the charge letter.

After the charge letter is sent, the hearing will be completed within twenty (20) days unless there is a need for an extension, which may be granted in the Hearing Coordinator's discretion for good cause shown. Notification of this extension will be given in writing to both parties.

The Hearing Coordinator will arrange separate meetings with the Reporting Individual and the Responding Individual to review the hearing process. Both parties may bring their respective advisors to review the information, but are not obliged to do so. In these meetings, the Reporting Individual and the Responding Individual will also be given access to review all pertinent information, including the Final Investigatory Report, before the hearing. Review of the information and documents does not authorize submission of new revisions or comments to these items, but rather the review allows for transparency, by permitting each party to see the investigation results in their entirety and to have the opportunity to prepare for the hearing accordingly. However, the parties may not keep or make copies and/or downloads of the Final Investigatory Report or its attachments unless explicitly allowed to do so by the Hearing Coordinator.

If a supplemental statement or additional evidence is offered by a party at or after the review discussed in the preceding paragraph, but before the hearing itself commences, the Hearing Coordinator will determine whether the additional evidence is relevant, whether its belated introduction was for good reason, and whether fundamental fairness supports its introduction into the process. If the additional evidence is relevant, it may be included as an addenda to the Final Investigatory Report. In the event this information is permitted to be introduced into the process, the Hearing Coordinator will consider such extensions or additional investigation as may be requested by the other party, in an effort to ensure that a full hearing record is assembled on terms that are fair to all parties. As an example, the Hearing Coordinator may allow the supplemental statement or evidence and, thereafter, may reschedule the hearing and/or authorize a response from the other party.

The Reporting Individual and Responding Individual may each submit to the Hearing Coordinator an impact statement prior to the day of the hearing. The impact statement(s) shall only be provided to the Hearing Panel members if there has been a finding of responsibility on the part of the Responding Individual. The impact statements, if any, shall be furnished to the panel and read during the sanctioning phase of the proceedings.

The Hearing Coordinator will make reasonable efforts to schedule the hearing in a timely manner, as specified below.

- A. The Hearing Coordinator will make reasonable efforts to secure a space for the hearing that is appropriate, private, and provides sufficient places for the parties to confer and the witnesses to wait.
- B. If either the Reporting Individual, Responding Individual, or witnesses fail to appear, the hearing will continue as scheduled, unless for good cause the Hearing Coordinator determines otherwise.
- C. The hearing shall be closed to all but the Hearing Coordinator, the Hearing Panel, the Reporting Individual, the Responding Individual, the advisors of both the Reporting Individual and Responding Individual, and the witnesses (only during their respective participation in the process).
- D. Prior to the hearing, the Hearing Coordinator will provide the Hearing Panel access to the Final Investigatory Report and other related materials. These copies will be collected from the members of the panel by the Hearing Coordinator after the hearing. Members of the Hearing Panel are the only individuals in the hearing who may be in possession of the Final Investigatory Report and other related materials, absent explicit permission of the Hearing Coordinator.
- E. The hearing room will be set up with a screen or wall between the two parties, or an electronic connection in the event the parties are in different locations. The parties in all events will be able to hear one another, but generally not see or otherwise be in a position to confront one another. Skyping or other electronic means may be used as an option for either parties or witnesses.
- F. All speakers must be recognized by the Hearing Coordinator prior to their speaking. No interruptions will be tolerated.
- G. If any party involved fails to follow the instructions of the Hearing Coordinator, they may be removed and the hearing will continue.
- H. Both parties may propose questions about any information shared or issue raised during the hearing. The Hearing Coordinator will determine whether a question is relevant and appropriate; the Hearing Coordinator may ask questions as proposed, or may modify them as they deem appropriate. The Hearing Coordinator's decision on such matters is final. All parties have the right to exclude their own prior sexual history with persons other than the other party in the conduct process. The Reporting Individual and Responding Individual have the right to review and present available evidence in the case file, or otherwise in the possession or control of the College, where relevant to the conduct case.
- I. The parties will not question each other or the witnesses directly. Parties will state or provide the question to the Hearing Coordinator who will in turn ask the question of the other party or the witness, if the question is deemed appropriate and relevant.
- J. If a new statement or evidence is introduced at the hearing, the Hearing Coordinator will determine whether it is relevant and whether its introduction at the hearing was for good reason. The Hearing Coordinator may admit the new statement or evidence and, if necessary, may grant a recess or reschedule the hearing to allow both parties and the Hearing Panel time to review the new information.
- K. Brief breaks will be taken at the request of either party or the Hearing Panel. The Hearing Coordinator will determine the reasonableness of requests for breaks.

Order of Business for the Hearing:

Generally, hearings will follow the order of business listed below; however, variations may occur depending on the circumstances of an individual case.

1. The Hearing Coordinator makes introductions of the Hearing Panel members, the parties and their advisors; no witnesses will be in the hearing room until the time they are called to present information to the Hearing Panel.
2. The Hearing Coordinator explains the hearing process and answers any questions related to process.
3. The Reporting Individual may, but is not obliged to, make an opening statement in addition to their written statement.
4. The Responding Individual may, but is not obliged to, make an opening statement in addition to their written statement.
5. The Reporting Individual answers questions from the Hearing Panel, and those posed to the Hearing Coordinator by the Responding Individual (if asked by the Hearing Coordinator).
6. The Responding Individual answers questions from the Hearing Panel, and those posed to the Hearing Coordinator by the Reporting Individual (if asked by the Hearing Coordinator).
7. The witnesses answer questions from the Hearing Panel, and those posed to the Hearing Coordinator by the Reporting Individual and Responding Individual (if asked by the Hearing Coordinator).
8. The Hearing Panel may pose further questions to the Reporting Individual and the Responding Individual.
9. The Reporting Individual may, but is not obliged to, make a final statement.
10. The Responding Individual may, but is not obliged to, make a final statement.
11. The Hearing Coordinator dismisses all participants.

If, at any time, the Formal Complaint is withdrawn by the Reporting Individual, but the Title IX Coordinator determines that an investigation will occur and the College therefore would be the party bringing the complaint, the Hearing Coordinator, upon receipt of the Final Investigatory Report, will determine whether further action should be taken, and whether a Hearing Panel should be convened. In making this judgment, the Hearing Coordinator may consult with the Title IX Coordinator, and such other members of the College's administration (not including any potential Hearing Panel members) as the Hearing Coordinator may deem appropriate.

Deliberation and Decision Making

Upon completion of the hearing, the Hearing Panel will deliberate in private, and outside the presence of the Hearing Coordinator, to determine if the Responding Individual was responsible for the violations alleged in each charge. If it is not possible for the panel to make a decision the same day as the hearing, the panel will reconvene as soon as reasonably possible, and shall meet from time to time until a decision is reached. The Reporting and Responding Individuals shall be notified of an anticipated date for release of a decision if the Hearing Panel's deliberations continue more than three (3) days after the hearing concludes.

The Hearing Panel will base its decision on the hearing participants' written statements, the Final Investigative Report and all attachments, any supplemental submissions from the parties, and information shared during the hearing. The panel will use a preponderance of the evidence standard to determine

responsibility (i.e., it is more likely than not that the Responding Individual was responsible for the charged conduct violations).

The Hearing Panel will determine whether the Responding Individual is:

Not Responsible: The Responding Individual will be found not responsible when the Hearing Panel determines that it is more likely than not that the alleged behavior did not occur and/or the alleged behavior occurred but was not in violation of College policy.

OR

Responsible: The Responding Individual will be found responsible when the Hearing Panel determines that it is more likely than not that the alleged behavior did occur and that the behavior was in violation of College policy.

Notification and Decision

If the Responding Individual is found not responsible, the Hearing Panel will notify the Hearing Coordinator of its decision and rationale. The Hearing Coordinator will prepare the hearing decision letter, including the rationale, and upon approval by all the panel members, shall provide copies of the determination letter, simultaneously if reasonably possible, to both the Responding Individual and the Reporting Individual.

If the Responding Individual is found responsible, the Hearing Panel will notify the Hearing Coordinator of its decision and rationale before deliberating on sanctions. The Hearing Coordinator then will inform the panel of the Responding Individual's prior conduct history, including past findings of domestic violence, dating violence, stalking or sexual assault (if any), and share any impact statements, if any, from the Reporting Individual and/or the Responding Individual. All parties have the right to exclude their own mental health diagnosis and/or treatment from admittance in this disciplinary stage determining responsibility. The panel will deliberate and make a decision regarding sanctions, taking into account the Responding Individual's prior conduct history and the impact statements, if any. Typically, the hearing determination will be sent to the parties within three (3) days of the conclusion of panel deliberations.

Every student has the right to choose whether to disclose or discuss the outcome of a conduct process. They are also guaranteed the right to have all information obtained during the course of conduct process be protected from public release until the appeals panel makes a final determination, unless otherwise required by law.

Sanctions

If the Responding Individual is found responsible for violating the sexual harassment, sexual assault, domestic violence, dating violence, and stalking policy, the Hearing Panel may impose one or more of the following sanctions as indicated for the specific violation. If more than one type of violation of the sexual harassment, sexual assault, domestic violence, dating violence and stalking policy is found to have occurred, the Responding Individual will be sanctioned accordingly. Additional sanctions for other conduct or College policy violations may be possible.

For a finding of sexual harassment:

- Social probation, which may include restriction from particular buildings, areas of campus, and/or College activities
- Loss of housing, either permanently or for a defined period of time
- Suspension from the College for a minimum of one semester
- Expulsion

For a finding of dating violence, domestic violence, and/or stalking:

- Social probation, which may include restriction from particular buildings, areas of campus, and/or College activities
- Loss of housing, either permanently or for a defined period of time
- Suspension from the College for a minimum of one semester
- Expulsion

For a finding of sexual assault:

- Suspension from the College for a minimum of one semester
- Expulsion

In addition to the above sanctions, the Hearing Panel may require a Responding Individual to participate in a mandatory educational program, including but not limited to an evaluation by Counseling and Psychological Services.

As part of the remedies, the panel may also provide accommodations for the Reporting Individual which can include, if appropriate and reasonably practicable, an escort to ensure that the Reporting Individual can move safely between classes and activities; continuation of existing no-contact orders, or imposition of additional no-contact orders; rearranging classes; moving the Responding Individual or Reporting Individual (if the Reporting Individual so requests) to a different College dorm; providing victim services (which shall also be available to a Responding Individual in the event they remain eligible for those services); academic support (which shall also be available to a Responding Individual in the event they remain eligible for those supports); and such other resources as may be deemed appropriate. These remedies will be determined on a case-by-case basis.

The panel may also find the Responding Individual responsible for violating other College policies, and upon such findings will determine appropriate sanctions in accordance with the policies and/or relevant Student Handbook provisions.

Appeal Process

Both the Reporting Individual and Responding Individual may appeal the Hearing Panel's decision. An appeal may be approved on one or more of the following grounds only:

- A material procedural error made that was significantly prejudicial to the outcome of the hearing as it affects the student appealing.
- Previously unavailable relevant evidence, which was not available or known to the student appealing at the time of the hearing, has arisen, which when considered may materially alter the outcome. Information that the appealing student chose not to pursue or present at the time of the hearing is not considered new information.
- The sanction was substantially disproportionate to the violation in excessiveness or insufficiency.

An appeal must be submitted to the Hearing Coordinator within five (5) days of receipt of the Hearing Panel's decision letter. Both the Reporting Individual and the Responding Individual will be notified if either party submits an appeal, and be provided with a copy of the appeal documents. Non-appealing

parties may themselves submit a written response for the appeals committee to consider, within five (5) days of being notified. In the event the non-appealing party does elect to submit a response, the appealing party will be afforded access to the non-appealing party's response, and the appealing party may submit a reply for the appeals committee to consider. Replies must be submitted by the appealing party within five (5) days of receipt of the non-appealing party's appeal response. No further submissions shall be permitted absent the permission of the Title IX Coordinator. All appeal statements, responses and/or replies must be sent by the student requesting the appeal (not on behalf of the student by an advisor or parent). The written statements each shall be no longer than 5 pages. No attachments or exhibits will be accepted. However, any references to the Final Investigatory Report and other materials can be included.

Upon receipt of an appeal, the Hearing Coordinator will call together an Appeals Committee to review the appeal. An appeal is not a new hearing, and the Appeals Committee will meet alone. The three-member Committee will consist of the Provost/Dean of the Faculty (or the Dean's designee), serving as chair, and two members of the Hearing Panel pool who did not serve on the original Hearing Panel, selected by the Hearing Coordinator. The Committee members shall not include individuals with a conflict of interest or who had prior involvement with or non-public information about the conduct charged. The Appeals Committee will in most instances make their decision within ten (10) days of the receipt of the final appeal-related submission(s). However, extenuating circumstances may result in an extension. If there is an extension, both parties will be informed in writing of the delay, and will be given an estimate of when the appeal likely will be determined.

The Appeals Committee will use only the following to make its decision: consideration of the merits of the appeal based on the written appeal request, the recording of the hearing and the Final Investigatory Report, any other information provided to the Hearing Panel at the hearing (such as documents or statements), and the Responding Individual's prior disciplinary history (if the appeal is based on the appropriateness of the sanction). Based on these materials, the Appeals Committee will:

- Affirm the Hearing Panel's determination and/or sanctions;
- Alter the sanctions rendered, if raised as a reason for appeal;
- Alter the determination and/or sanctions for further deliberation if the Committee deemed that a significant material procedural error was made; or
- Send the case back to the original Hearing Panel for a new hearing if new information, as defined above, has arisen that in the Committee's judgment may have altered the outcome. If a member of the original panel is no longer available, the Hearing Coordinator will select a new member from the Hearing Panel pool.

If the case is returned on the basis of new information, this new information may call for a second investigation. The Appeals Committee, in collaboration with the Title IX Coordinator, will determine whether or not the new information requires another investigation. If the new information requires a second investigation, the case will follow the timeline of investigation and hearing procedure, in which the original investigator of the case shall be responsible for conducting this investigation in thirty-five (35) days and the hearing shall take place within twenty-five (25) days after the investigation. If the new information does not require a second investigation, the case shall be heard within twenty (20) days. In the event that both the Reporting Individual and the Responding Individual do not wish to proceed with a second hearing, they are allowed to consider other options for resolution suggested and facilitated by the Hearing Coordinator.

Although new information may be presented during the second investigation, there shall be no changes made to the Final Investigatory Report, and the new information, including any information gathered in a

second investigation, will be added as an addendum. Both parties will have the opportunity to view the new information before it is sent back to the Hearing Panel.

The Appeals Committee's decision will be final and there are no further appeals permitted by either involved party, except in the case where the Committee sends back the case to the Hearing Panel to conduct a new hearing.

Record of Process

- A. Outside recording devices from any parties or other persons (such as witnesses or advisors) involved in the formal complaint process are prohibited.
- B. An audio recording will be made of all interviews conducted by the investigator. The party with whom the investigator conducts the interview with has a right to access their audio recording of the interview, but not recordings of the interview with others.
- C. An audio recording will be made of the hearing for the use of the Hearing Panel and the appeals committee.
- D. The Reporting Individual and the Responding Individual have a right to access the record of the hearing, including the audio recording.
- E. Copies of all statements, evidence, audio recordings, and letters associated with the Formal Complaint Process will be maintained by the Hearing Coordinator for at least seven (7) years in a case file in accordance with the College's record retention policy.
- F. The Hearing Panel's decision letter and the Appeal Committee's decision letter, if any, will be kept in the Responding Individual's discipline file in accordance with the College's record retention policy.

Transcript Notations

For crimes of violence, including but not limited to sexual violence, defined as crimes that meet the reporting requirements pursuant to the federal Clery Act (which include murder, manslaughter; rape, fondling, incest and statutory rape; robbery; aggravated assault; burglary; motor vehicle theft; and arson), the College shall make a notation on the transcript of students found responsible after a conduct process and issued a sanction including either a suspension or an expulsion that they were "suspended after a finding of responsibility for a code of conduct violation" or "expelled after a finding of responsibility for a code of conduct violation." For the Responding Individual who withdraws from the College while such conduct charges are pending and declines to complete the conduct process, institutions shall make a notation on the transcript of such students that they "withdrew with conduct charges pending."

For the Responding Individual who graduates from the College while such conduct charges are pending and declines to complete the conduct process, the College will make a notation on the transcript of such students that they "graduated with conduct charges pending." In the event the graduated Responding Individual is found responsible after graduation, the transcript will carry the notation "found responsible for a code of conduct violation."

A student on a leave of absence who is accused of a violation of this policy may not return until a hearing process has been concluded. The College shall make a notation on the transcript that such student is on a "leave of absence with conduct charges pending". If the respondent withdraws from the College while an investigation of a formal complaint is occurring or conduct charges are pending, the College shall make a notation on the transcript that such student "withdrew with conduct charges pending." For both types

of students the notation will be removed once the hearing procedure (which includes the appeal process) has been concluded.

Transcript Notation Appeal

A student may seek removal of a transcript notation for a suspension, provided that such notations shall not be removed prior to one year after conclusion of the suspension and may only be granted for good cause shown, while notations for expulsion shall not be removed. A graduated student may seek removal of a transcript notation, provided that such notations shall not be removed prior to one year after being issued, and may only be granted for good cause shown. If a finding of responsibility is vacated for any reason, any such transcript notation shall be removed.