SEXUAL HARASSMENT AND SEXUAL MISCONDUCT POLICY

Student Policies and Procedures
Curry College Sexual Harassment and Sexual Misconduct Policies and Procedures reflect the College’s commitment to our students’ safety and wellbeing. Sex discrimination is prohibited by Title IX and other federal and state laws and will not be tolerated by the College in any form. Prohibited sex discrimination includes sexual harassment, sexual violence and other forms of sexual misconduct. These actions violate the College’s Notice of Non-Discrimination, which can be found on the Curry College website at www.curry.edu/deanofstudents. Students are requested to read this Notice of Non-Discrimination as it contains important information related to this Policy.

Sexual Harassment
Curry College strictly forbids sexual harassment. Sexual Harassment is unwelcome conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Unwelcome sexual advances, requests for sexual favors, and other physical or verbal conduct of a sexual nature constitute sexual harassment for a Curry student when: (a) submission to such advances, requests or conduct is made either explicitly or implicitly a term or condition of the individual’s academic advancement, participation in College programs or activities, or is used as a basis for academic decisions affecting the individual; (b) rejection of such advances, requests or conduct affects a term or condition of the individual’s academic advancement, participation in College programs or activities, or is used as a basis for academic decisions affecting the individual; or (c) such conduct has the purpose or effect of unreasonably interfering with the individual’s academic performance, education, or participation in College programs or activities, or of creating an intimidating or hostile work or academic environment.

Examples of sexual harassment may include, but are not limited to:

- Repeated offensive sexual flirtations, advances or propositions which are offensive;
- Verbal abuse or innuendo of a sexual nature which is continued or repeated;
- Physical contact such as touching, hugging, patting or pinching which is uninvited and unwanted by the other person;
- Offensive verbal comments of a sexual nature about an individual’s body or sexual terms used to describe an individual;
- An open display of sexually suggestive objects or pictures if people find them offensive;
- Jokes or remarks of a sexual nature if people find them offensive;
- Unwanted prolonged and apparent staring or leering at a person;
Sexual Misconduct

Curry College strictly forbids sexual violence and all other forms of sexual misconduct. Sexual Misconduct is defined by the College as any sexual contact or activity that occurs without the effective consent of any individual involved. It is the obligation of every person to obtain effective consent from the other person prior to sexual contact. Consent cannot be given by minors, those who are incapacitated as a result of alcohol or other drug consumption, or those who are unconscious, unaware or otherwise physically helpless. The College defines incapacitation as a state where an individual cannot make rational, reasonable decisions because the individual lacks the capacity to giving knowing consent and/or as a state where one cannot make a rational, reasonable decision because they lack the ability to understand the who, what, when, where, why or how of their sexual interaction. Incapacitation may also result from mental disability, sleep, involuntary physical restraint, or from alcohol and other drugs. Consent as a result of coercion, intimidation, threat of force or force is not effective consent. A person who knows or should reasonably have known that another person is incapacitated may not engage in sexual activity with that person.

Examples of sexual misconduct include, but are not limited to:

- Touching another’s genitals/breasts without consent;
- Having sexual contact with someone who is incapacitated (e.g. from alcohol or drug usage) such that their decision making ability is compromised so that they are unable to consent;
- Continuing sexual activity after either party has made it clear, either verbally or by conduct, that they do not wish to continue physical contact;
- Obscene or indecent behavior, including exposure of one’s sexual organs or the display of offensive sexual behavior;
- Deliberate observation of others for sexual purposes without their consent;
- Taking or posting of photographs/images of a sexual nature without consent;
- Possession or distribution of illegal pornography.

Effective Consent

Effective consent is informed, knowing and voluntary. The College defines effective consent as mutually understandable words or actions which indicate willingness to participate in mutually agreed-upon sexual activity. Effective Consent may never be given by minors (in Massachusetts, those not yet sixteen (16) years of age), individuals who have a mental disability that results in their being unable to provide informed, knowing and voluntary consent, those who are incapacitated as a result of alcohol or other drug consumption (voluntary or involuntary) or those who are unconscious, unaware or otherwise physically helpless. Consent obtained as a result of physical force, threats, intimidating behavior, duress or coercion is not effective consent. A person who knows or should reasonably have known that another
person is incapacitated may not engage in sexual activity with that person. The College defines incapacitation as a state where an individual cannot make rational, reasonable decisions because the individual lacks the capacity to giving knowing consent and/or as a state where one cannot make a rational, reasonable decision because they lack the ability to understand the who, what, when, where, why or how of their sexual interaction. In addition, consent to one form of sexual activity does not imply consent to other forms. Consent may be given for specific sexual activities and not for others. Consent at one time, including prior intimate partner or physical relationships does not imply future consent. Silence does not constitute consent and may indicate that something is wrong and the potential for sexual misconduct exists. The use of alcohol or other drugs does not constitute a defense for the failure of a person who initiates sexual activity to obtain effective consent.

**Intimate Partner Violence**
Physical violence, coercion, threats, intimidation, isolation, stalking, or other forms of emotional, sexual or economic abuse is prohibited, including but not limited to those directed towards a partner. Such violence can be a single act or a pattern of behavior. Intimate partner relationships are defined as short or long-term relationships (current or former) between persons intended to provide some emotional and/or romantic physical intimacy.

Domestic violence and dating violence may also constitute forms of Intimate Partner Abuse. Dating violence includes violence by a person who has been in a social relationship of a romantic or intimate nature with the complaining party. The existence of such relationship is determined by its length, its type, and frequency of interaction of persons involved in the relationship. Domestic violence includes violent misdemeanor and felony offenses committed by the complaining party's current or former spouse, cohabitant, or a person with whom he or she shares a child (as well as a person similarly protected under the applicable domestic or family violence laws).

**Unlawful Retaliation**
The College takes steps to prevent retaliation and the recurrence of any harassment. As such, retaliation against any individual for making a complaint of conduct prohibited by the Sexual Harassment and Sexual Misconduct Policy, or for assisting in the investigation of such a complaint, is prohibited by Title IX and other federal and state laws and will not be tolerated. Engaging in retaliatory acts (directly or through a third party) is a violation of this policy and will result in disciplinary action.

**Disciplinary Action and Sanctions**
When an individual is found to have violated the Sexual Harassment and Sexual Misconduct Policy, appropriate disciplinary action and sanctions will be imposed, including but not limited to, probation, loss of privileges, mandatory training, removal from classes, buildings, activities, programs, and/or campus locations, suspension, and/or expulsion.

**Immediate Actions to Take if You Experience Sexual Misconduct**
If you experience sexual violence or other forms of sexual misconduct, here are some very important
steps to follow:

- Get to a safe place as quickly as possible
- To contact a confidential resource, call Counseling Services at 617-333-2182 or A New Day 508-588-8255 (24 Hour Live Hotline)
- To page the counselor on-call after hours, call Public Safety at (617) 333-2222
- Contact Emergency Services as quickly as possible: Dial “911” for police assistance or ambulance assistance
- Do not bathe, shower, or douche
- Do not change or clean your clothing
- Get medical attention as quickly as possible:
  - Dial “911” for ambulance assistance

- Contact Milton Hospital: (617) 696-4601
  199 Reedsdale Road, Milton, MA 02186

- Contact Student Health Services ext. 2182
  Smith House, 940 Brush Hill Road

- Contact Student Counseling Services ext. 2182
  Smith House, 940 Brush Hill Road

- Contact a private physician

- Call Curry’s Public Safety Office (617) 333-2222, or Milton Police (617) 698-3800
  or the Norfolk County District Attorney’s Sexual Assault Hot-Line (781) 326-1111

- Contact Outside Support Services for sexual violence or intimate partner violence

  A New Day (508)-588-8255

- Contact Curry’s Office of Residence Life & Housing at ext. 2252

Other Resources

Additional support following sexual violence or other forms of sexual misconduct can be found on-campus through:

- Student Health Services – ext. 2182
- Student Counseling Services – ext. 2182
- Spiritual Life – ext. 3532
Confidential Off-Campus Resources

- A New Day Emergency Hotline (508) 588-8255
- Norfolk County Sexual Assault Hot Line (781) 326-1111
- National Sexual Assault Hotline 1-800-656-HOPE

To receive residential or academic accommodations to help you feel comfortable and safe on campus, you can contact:

- Maryellen Kiley, Dean of Students, ext. 2289
- Erik Muurisepp, Director of Residence Life & Housing, ext. 2252
- Lynn Zlotkowski, Academic Success Coordinator, ext. 2279
- Public Safety, ext. 2232

Where to Bring a Complaint under this Policy and Who to Contact with Questions

Students are encouraged to report any incident of sexual harassment, sexual misconduct, or sexual violence immediately by bringing them to the attention of the College’s Dean of Students Office (Dean of Students, Maryellen Kiley at ext. 2289) or the College’s Title IX Coordinator, Rachel King, at ext. 3516, or the College’s Office of Public Safety, ext. 2232. In addition, incidents can be reported to the Curry College Public Safety Department, located in the Mayflower Parking Lot, phone: ext. 2232. Students also have the right to pursue a criminal complaint for acts of sexual misconduct with the local police. Police and emergency authorities can be reached by dialing “911.” The Town of Milton Police Department (phone 617-698-3800) is located at 40 Highland Street, Milton, MA. The College’s Public Safety Department can also assist individuals with contacting the local police. In addition, any Curry student who has a question about this Policy or about bringing a complaint for violations of unlawful conduct prohibited under this Policy should feel free to contact the College’s Dean of Students Office (Dean of Students, Maryellen Kiley at ext. 2289) or the College’s Title IX Coordinator, Rachel King, at ext. 3516. In cases of alleged sexual harassment, sexual violence or other forms of sexual misconduct, students under the influence of alcohol or other drugs in violation of law will not be subject to student conduct charges for being under the influence of alcohol or other drugs. Any student who has a question about, or wants to report a violation of, any other any Student Conduct policies (including but not limited to the Hazing and Harassment Policies), please immediately notify the College’s Dean of Students Office (Dean of Students, Maryellen Kiley at ext. 2289).

Confidentiality

The College recognizes that a student who files a complaint (hereinafter “the Complainant”) alleging a violation of the Sexual Harassment and Sexual Misconduct Policy, or who is identified as someone who experienced a violation of this policy, may desire confidentiality and may request that the College not investigate or pursue resolution of a report. In such cases the Complainant is asked to put his or her request in writing and the College will maintain confidentiality to the extent permitted by law and other safety
considerations. However, the College may determine that it must investigate and pursue resolution of a report, and take whatever measures it deems necessary in response to a report of violations of this Policy in order to protect the rights, interests and personal safety of the College community.

**Investigation and Grievance Procedures**

The College will investigate allegations of violations of unlawful conduct prohibited under this Policy in a prompt, equitable, and impartial manner. Depending upon the facts and circumstances known to it, the College, in its discretion and judgment, may determine that the allegations of alleged violations of the Sexual Harassment and Sexual Misconduct Policy will be investigated and resolved outside of the procedures described in this Policy, and may take interim action as it deems appropriate to address the safety and protection of the College. If the determination is that the case will go through the student conduct process, both the Complainant and the individual(s) alleged to have violations this policy (hereinafter “the Respondent”) will be notified by a student conduct officer and a student conduct meeting will be scheduled.

**Student Conduct Meeting for Sexual Harassment and Sexual Misconduct**

Curry utilizes the student conduct meeting process as a means to investigate alleged violations of the Sexual Harassment and Sexual Misconduct Policy. Both the Complainant and the Respondent have the opportunity to inform the College, verbally or through a written statement, of any facts that he/she believes should be considered in the College’s investigation of the reported violation of the Sexual Harassment and Sexual Misconduct Policy. As part of its investigation, the College, through its Director of Student Conduct or Dean of Students’ designee charged with investigating the complaint, will speak with the Complainant and the Respondent (separately), as well as other individuals, and will review written documents, materials, or property, as it deems appropriate, to conduct a prompt, fair and impartial investigation. Students are asked to provide names of witnesses to the alleged violation and identify any documents or items that are relevant to the investigation. The College may impose limits upon the number of witnesses and the amount of information that may be introduced where proffered information is cumulative, redundant or immaterial. The facts will be reviewed, and decisions will be made, based upon a preponderance of evidence.

Students are expected to be truthful, and to participate as requested. Students are to attend the Student Conduct Meeting by themselves. If the College requests that a student attend a Student Conduct Meeting and the student does not do so, the College will still move forward with the process.

If a party or law enforcement agency requests that the College delay its investigation because the conduct at issue is moving forward a civil or criminal case, the College will review the request, but it retains the right to address the complaint before, after, or during the same time as the civil or criminal case, and to implement appropriate action (such as, No Contact Orders, removal from campus, residence facilities, and/or classes, interim removals, or suspensions or interim suspensions) to maintain the safety of the campus.
Notification of Determination
The College will inform both the Complainant and the Respondent in writing about whether the violation was found to have occurred. Both parties will typically be notified of the outcome of the conduct process within 60 days of the commencement of the investigation, although circumstances may result in a longer period. In certain situations where the complaint involved a crime of violence or a forcible or non-forcible sex offense, the information about all of the sanctions imposed against the Respondent by the College may be provided to the Complainant. In all other cases, the Complainant shall be informed of sanctions imposed against the Respondent where the sanction directly relates to the Complainant (for example, sanctions that require the Respondent to have no contact with the Complainant, and/or removal from the same residence hall or class).

Appeal Process for Sexual Harassment and Sexual Misconduct Policy
(The following applies to appeals for cases under this policy. For appeals for cases under all other policies, please see the appeals process on page 75).

Both the Complainant and the Respondent may appeal the sanction on one of the following grounds only:

- New and relevant information: significant information that was not available at the time of the student conduct meeting that has been revealed or discovered which alters the facts of the matter and may alter the outcome, including its specific relevance and credibility. It is not information that the Complainant or the Respondent had at the time but did not share with the conduct officer at the original student conduct meeting.
- Procedural error: A claim of error in the student conduct procedure that substantially affected the decision.
- The severity of the sanction imposed was not appropriate based on the nature of the violation or the circumstances.

Appeals must be submitted in writing by the student to Dean of Students Office within three business days of learning of the determination. The appeal must be submitted directly to the Dean of Students. The appeal letter must identify on which of the above three reasons the appeal is based. If appealing on grounds of new evidence, the letter must include the new information that supports his/her position. If appealing on a procedural error, the letter must state what the specific error was and how it substantially affected the outcome of the student conduct meeting. If appealing due to the belief that the severity of the sanction imposed was not appropriate based on the nature of the violation or the circumstances, the letter must include reasons why the student thinks this outcome was not appropriate and state what discipline (if any) the student believes to be appropriate and why. The Dean of Students (or designee) will then review the appeal letter. The result of the appeal may be a change of the determination in whole or in part. The College will inform both the Complainant and the Respondent of the result of the appeal. The appeal decision is final.
Any action (including an interim removal or suspension) assessed, imposed, or recommended at the conclusion of the Student Conduct Meeting or investigation process (or at any other time, as determined by the College) may be enforced pending the outcome of an appeal, at the sole discretion of the College, through its Office of Dean of Students or designee.

**Violation of Policies**
If you believe that you have been the victim of a violation of any Student Conduct Policy (including but not limited to the Hazing and Harassment Policies), please immediately notify the College’s Dean of Students, Maryellen Colliton Kiley at extension 2289. In case of an emergency, please call the Department of Public Safety’s emergency line at (617) 333-2222.