SEXUAL AND GENDER-BASED HARASSMENT AND DISCRIMINATION

I. Institutional Values and Statement of Non-Discrimination
Curry College is committed to providing equal opportunity in employment and education to all employees, students, and applicants. No employee, student or applicant shall be discriminated against or harassed on the basis of race, religion, color, sex, age, ethnic or national origin or ancestry, veteran status, physical or mental disability, pregnancy, sexual orientation, gender identity or expression, genetic information, veteran or military status, membership in Uniformed Services, or any category protected by applicable state and federal laws. Similarly, Curry College is committed to making its programs and campus accessible to its visitors and compliant with all applicable non-discrimination laws.

Sexual harassment, including sexual violence, is a form of sex discrimination that is illegal under both federal and Massachusetts state law, including Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Violence Against Women Act, Massachusetts General Laws chapter 151B, § 4, Massachusetts General Laws chapter 151C, § 2, and Massachusetts General Laws chapter 214, § 1C. Furthermore, conduct prohibited under this policy is incompatible with the values and mission of Curry College and will not be tolerated.

II. Purpose and Scope
The College fully supports the right of all persons to hold employment and receive education without suffering unlawful discrimination, harassment or retaliation. The Sexual and Gender-Based Harassment and Discrimination Policy prohibits sexual and gender-based harassment and discrimination, including but not limited to, sexual misconduct, dating and interpersonal violence, and stalking. It also prohibits retaliation against an individual for making a report of conduct prohibited under this policy or for participation in an investigation of an alleged violation of this policy.

This policy applies to all College community members, including students (prospective and current), employees, visitors, vendors, and independent contractors, when the conduct:
1. occurs on College property, including online or electronic conduct through the use of College computing or network resources;
2. occurs in the context of an employment or education program or activity of the college; or
3. may have continuing adverse effects for the College community.

III. Prohibited Conduct under this Policy

A. Discrimination, Harassment, and Retaliation
Individuals may not be discriminated against in the terms and conditions of their employment or academic program or subject to harassment in the workplace or academic environment. Such conduct is illegal under federal and state laws and is strictly prohibited by the College. Unlawful discrimination, harassment, and retaliation by officers, faculty, managers, supervisors, employees, students, vendors, clientele, and contractors will not be tolerated.
This Policy focuses on Sexual or Gender-Based Harassment and Sexual Misconduct, which are further described in this Section.

B. Sexual or Gender-Based Harassment

**Sexual Harassment:** Sexual harassment and sexual violence are forms of sex discrimination that are illegal under both federal and Massachusetts state law. Under these laws, unwelcome sexual advances, requests for sexual favors and other conduct of a sexual nature whether verbal, non-verbal, graphic, physical, electronic, other otherwise constitute sexual harassment when:

- Submission to or rejection of such sexual advances, conduct, or requests for sexually based favors is made either explicitly or implicitly a term or condition of an individual’s employment, education or participation in College programs or activities, or a basis for employment or educational decisions affecting the individual (*quid pro quo*); or
- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance, education, or participation in College programs or activities, or creating an intimidating, hostile, humiliating or sexually offensive work, learning, or living environment (*hostile environment*).

Sexual harassment does not refer to behavior or occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome and occurs in a variety of situations which share a common element: the inappropriate introduction of sexual activities or comments into the work or educational environment. It may occur on or off campus.

Sexual harassment often involves relationships of unequal power. Such situations may contain elements of coercion, such as when compliance with requests for sexual favors becomes a condition for granting privileges or favorable treatment on the job, or favorable treatment in the classroom. However, sexual harassment may also involve relationships among persons of equal authority or power, such as when repeated advances or demeaning verbal comments by a co-worker towards another co-worker have a harmful effect on a person’s ability to perform his or her work. Sexual harassment can also involve behavior directed to and/or by students of the College, as well as employees and non-employees of the College.

**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;
• Obscene gestures or suggestive or insulting sounds made towards people who find them offensive;
• The demand for sexual favors accompanied by an implied or overt threat concerning an individual’s employment status or educational status or promises of preferential treatment;
• Direct or implied requests for sexual favors in exchange for actual or promised favorable evaluations of course requirements, or favorable recommendations for position or benefits within or outside the College Community; and

In evaluating allegations of sexual harassment, the allegations are evaluated from both a subjective and objective perspective considering the totality of the circumstances.

Gender-Based Harassment includes harassment based on sex or gender, sexual orientation, gender identity, or gender expression, which may include acts of aggression, intimidation, or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature, when the conditions for hostile environment harassment or quid pro quo harassment are present, as defined above.

C. Additional Forms of Sexual Misconduct

Sexual Misconduct
Curry College strictly prohibits sexual violence and all other forms of sexual misconduct. Sexual Misconduct includes 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. Effective Consent is discussed in the section below.

Examples of sexual misconduct include, but are not limited to:
• Having or attempting to have sexual intercourse with another individual without consent or by force. Sexual intercourse includes anal, oral or vaginal penetration, however slight, with a body part or object.
• Intentional and unwelcome sexual touching, such as touching another’s genitals, buttocks, or breasts without consent; or making someone touch you or themselves on these body parts.
• 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;

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 cannot be given by minors (in Massachusetts, those not yet sixteen (16) years of age). Effective Consent cannot be given by individuals who have a mental disability that results in their being unable to provide informed, knowing and voluntary consent. Effective Consent cannot be given by those who are unconscious, unaware or otherwise physically helpless. Consent obtained as a result of physical force, threats, intimidation (implied
threats), 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, and there can be no Effective Consent in such situations. Effective Consent cannot be given by those who are incapacitated as a result of alcohol or other drug consumption (voluntary or involuntary). In addition, incapacitation may result from mental disability, sleep, or involuntary physical restraint, and there can be no Effective Consent in such situations.

**Incapacitation**
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 the individual lacks the ability to understand the who, what, when, where, why or how of their sexual interaction. 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.

**Sexual Exploitation**
Sexual Exploitation is purposely or knowingly taking sexual advantage of another person without consent. Examples of sexual exploitation include, but are not limited to:

- Obscene or indecent behavior, including exposure of one's sexual organs or the display of offensive sexual behavior;
- Deliberate observation of others (including letting others hide for observation) for sexual purposes without their consent;
- Taking, posting or disseminating pictures, video or audio of another person’s intimate body parts, or another person engaged in sexual activity or in a state of undress without that person’s consent;
- Possession or distribution of illegal pornography.
- Prostitution.
- Knowingly exposing another person to a sexually transmitted infection or virus without the other’s knowledge.
- Providing someone with alcohol or drugs (such as “date rape” drugs), with or without that person’s knowledge, for the purpose of making the person vulnerable to non-consensual sexual activity.

**Relationship and Intimate Partner Violence**
Physical violence, coercion, threats, intimidation, isolation, stalking, or other forms of emotional, sexual or economic abuse (i.e. controlling access to finances) is prohibited, including but not limited to those directed towards an intimate 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 violence and are prohibited by the College. 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 acts that may constitute violent misdemeanor and felony offenses committed by the victim’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 applicable domestic or family violence laws).

Stalking
Stalking is defined as a course of conduct directed at a specific person whether that person is a total stranger, acquaintance, current or former intimate partner, or anyone else that would cause a reasonable person to fear for her or his safety, for the safety of a third person, or to suffer substantial emotional distress. Such behavior is prohibited.

Stalking behaviors include, but are not limited to repeatedly pursuing, following, waiting, or appearing uninvited at or near a residence, workplace, classroom, or other places frequented by the person; surveillance or other types of observation, including but not limited to staring or watching an individual without their consent (which may be referred to as “peeping”); and repeated unwanted communication, including, but not limited to, face-to-face communication, telephone calls, voice messages, e-mails, text messages, social media, written letters, gifts, or any other communications that are not welcomed by the recipient of the communication.

Retaliation
Retaliation is any adverse action taken or threat of action made against a person for, in good faith, making a complaint of conduct prohibited by this Policy, participating in, or assisting with an investigation of such a complaint. Retaliation is prohibited by the College, and by Title IX and other federal and state laws, and will not be tolerated. Engaging in retaliatory acts, including the continuation or recurrence of harassment or discrimination (directly or through a third party), is a violation of this Policy and will result in disciplinary action.

Complicity
Complicity is any act taken with the purpose of aiding, facilitating, promoting or encouraging the commission of a violation of this policy by another person.

D. Amorous Relationships Between Faculty, Students, and Staff
Employees should always conduct themselves professionally in their dealings with coworkers and students and others. The College expects the employees involved to exercise discretion and maturity in the manner in which they relate to each other at work with coworkers and students. Personal/romantic relationships between employees of different levels of authority within the College may affect the morale of co-workers by creating actual or perceived favoritism. Therefore, neither party to a romantic relationship should participate in formal or informal supervision, review or evaluation of the other. The College may alter the work responsibilities of parties engaged in a romantic relationship in order to limit their professional contact with one another.
Romantic relationships between employees and students are strictly prohibited. For more information regarding amorous relationships, contact Human Resources at (617) 333-2263.

IV. Options for Reporting Prohibited Conduct

Individuals who have experienced sexual or gender-based harassment or discrimination, including sexual violence, are encouraged to report the misconduct to the College or to local law enforcement. These options are not mutually exclusive – you do not need to choose one option over the other. Internal reports and criminal reports can be made simultaneously or at different times. There is no time limit for filing a report with the College; however, individuals are encouraged to report misconduct as soon as possible in order to maximize the College’s ability to respond promptly and effectively.

The College encourages all individuals to seek assistance from a medical provider and/or law enforcement immediately after an incident of sexual violence. This is the best option to ensure preservation of evidence and to begin a timely investigation, outside of the College’s process. Additionally, the Department of Public Safety can provide information about the process for seeking court ordered civil restraining orders or harassment protection orders.

A. Reporting to Law Enforcement

Conduct that violates this policy may also constitute a violation of law. For immediate safety assistance, an individual can dial 911 or contact Curry College Public Safety. The Department of Public Safety can assist in making a criminal report to local law enforcement. To report potential criminal conduct to local law enforcement, contact information is below.

<table>
<thead>
<tr>
<th>Emergencies</th>
<th>911</th>
</tr>
</thead>
<tbody>
<tr>
<td>Curry College Public Safety</td>
<td>(617) 333-2222</td>
</tr>
<tr>
<td></td>
<td>Located in the Mayflower Parking Lot on the north side of campus</td>
</tr>
<tr>
<td></td>
<td>1071 Brush Hill Road, Milton, MA 02186</td>
</tr>
<tr>
<td>Milton Police Department</td>
<td>(617) 698-3800</td>
</tr>
<tr>
<td></td>
<td>40 Highland Street, Milton, MA 02186</td>
</tr>
<tr>
<td>Plymouth Police Department</td>
<td>(508) 830-4218</td>
</tr>
<tr>
<td></td>
<td>20 Long Pond Rd., Plymouth, MA 02360</td>
</tr>
</tbody>
</table>

B. Reporting to the College

The following individuals are trained and designated to receive and respond to allegations of violations of the policy:

Title IX Coordinator:
Rachel King, Assistant Vice President for Title IX
55 Atherton Street
Rachel.King@curry.edu
617-979-3516
Making a report of prohibited conduct under this policy involves telling an employee of the College (with the exception of those designated as “confidential,” referenced in Section V), also known as “responsible employees,” what occurred. While reported misconduct must be relayed to the Title IX Coordinator, individuals wishing to make a complaint can speak directly to one of the above Coordinators or any responsible employee. Additionally, a number of staff and faculty across campus have been trained as Liaisons, serving as a resource to members of the College community. These Liaisons participate in annual training and are knowledgeable about College policies, procedures, resources and reporting obligations.

A knowingly and intentionally false or frivolous complaint, determined by the College to have been made in bad faith and dishonesty in the context of an investigation, is a serious offense. A finding that the College policies have not been violated is not, in and of itself, an indication that a complaint is false or unfounded. The College reserves the right to impose appropriate disciplinary action to students and employees who knowingly and intentionally file a false or frivolous complaint, or who participate in bad faith in the investigation of a complaint filed pursuant to College policies by knowingly and intentionally provide false and misleading information in the context of the investigation.

V. Confidentiality and Employee Reporting Obligations

A number of different resources and reporting options are available to those who have experienced sex or gender-based discrimination or harassment, including sexual violence. It is important to understand, however, that these resources offer varying degrees of confidentiality and reporting obligations, as outlined below.

Employee Reporting Responsibilities. All College employees (faculty and staff) must promptly notify a Title IX Coordinator about possible sexual or gender-based harassment, with limited exceptions. On-campus resources who can maintain confidentiality, and are therefore not required to report discrimination or harassment to a Title IX Coordinator, are those employed at the Counseling Center and Health Services.

Adherence to this reporting obligation ensures that the College can connect affected individuals with appropriate resources and services; track incidents and identify patterns; and, where appropriate, take steps to protect the College community.

All actions taken to investigate and resolve complaints shall be conducted with as much privacy and discretion as possible without compromising the thoroughness and fairness of the investigation. All persons involved are to treat the situation with respect and as confidentially as possible. To conduct a
thorough investigation, the Investigator(s) and/or Title IX Coordinator may discuss the complaint with witnesses and those persons involved in or affected by the complaint, and those persons necessary to assist in the investigation or to implement appropriate remedial action.

**Complainant Requests Not to Investigate.** A reporting party may request that the College not investigate or pursue resolution of a report or may request that their name not be disclosed. This can limit the College’s ability to respond fully to the reported misconduct and pursue disciplinary action against the Respondent. Such requests should be made to a Title IX Coordinator and will be balanced with the College’s responsibility and legal obligation to provide a safe and non-discriminatory environment for all members of the College community.

The College will respect the Complainant’s right not to participate in an investigation, but may continue an investigation in order to meet its responsibility and legal obligation to provide a safe and non-discriminatory environment for all members of the Curry community. In such cases, the College will consult with the Complainant and keep the Complainant informed about the chosen course of action. The College may determine that it must investigate and pursue resolution of a report. An individual who initially requests anonymity or who requests that the College not investigate or pursue resolution may later request that the College investigate and pursue resolution.

**Clery Act Reporting.** In accordance with the Clery Act and the Violence Against Women Act (VAWA), statistical information regarding certain offenses will be included in the College’s annual safety and security report in a manner that does not include any personally identifiable information. In addition, College administrators will issue timely warnings for incidents reported that pose a serious and ongoing threat to the safety of the campus community.

**VI. Accessing Resources**

**A. Confidential Resources**

If a student wants to speak with a confidential resource, trained staff are available on and off-campus. Help and support is available to students who want to talk in detail about an incident, but are not sure if they are ready or interested in reporting to the College or law enforcement.

**Emotional Support**

- **On-campus:** Counseling Center (617) 333-2182 (8:30-4:30)
- **(For students)** Wellness Center, 1016 Brush Hill Road, Milton, MA 02186

  Counselor-on-call after hours via Public Safety (7 days a week) (617) 333-2222

- **Off-campus:** A New Day victim advocates (a program of Health Imperatives)
  24-hour hotline (508) 588-8255
  950 W. Chestnut St., Brockton, MA 02301

  **(For employees)** If an employee wants to speak with a confidential resource, Life Assistance Program through Cigna Behavioral Health (available to employees) is a free confidential service available to all employees and their household members. Services are available to assist 24 hours a day, 7 days a week for support.
Life Assistance Program: (800) 538-3543
Services available include face-to-face visits with a network provider for behavioral issues, telephonic support for work/life concerns and crisis support).

In cases of physical violence and/or sexual misconduct, the College encourages individuals to seek medical care, which also offers the best option to ensure the preservation of evidence.

**Medical Care**

- **On-campus:** Health Services (617) 333-2182 (8:30-4:30)
  
  *(For students)* Wellness Center, 1016 Brush Hill Road, Milton, MA 02186

- **Off-campus:** Milton Hospital (617) 696-4600
  
  199 Reedsdale Road, Milton, MA 02186
  
  *(Transportation available via Public Safety (617) 333-2222)*

  Beth Israel Deaconess Medical Center (617) 667-7000
  
  330 Brookline Ave, Boston, MA 02215

  Plymouth Campus: Beth Israel Deaconess Hospital - Plymouth (508) 746-2000
  
  275 Sandwich St, Plymouth, MA 02360

**B. Amnesty**
The College encourages reporting of sexual misconduct and seeks to remove any barriers to reporting. The College recognizes that a reporting party who has been drinking or using drugs at the time of an incident may be hesitant to make a report because of potential disciplinary consequences. Accordingly, students who report sexual misconduct, either as a Complainant or a third party witness, will not be subject to disciplinary action for being under the influence of alcohol or other drugs at the time of the alleged incident of sexual misconduct, so long as their actions did not place the health or safety of another person at risk. The College may, however, initiate an educational discussion or pursue other educational remedies regarding alcohol or other drugs.

**C. Remedial, Protective and Interim Measures**
When the College receives a report of a violation of this policy, reasonable and appropriate remedial, protective, and interim measures may be put in place, by the appropriate College official(s). These measures may be both remedial (designed to address a Complainant’s safety and well-being and continued access to educational opportunities) or protective (designed to reduce the risk of harm to an individual or community). These measures, which may be temporary or permanent, may be imposed even when not specifically requested by a Complainant or Respondent at the discretion of the College, as appropriate. They include, but are not limited to: no contact orders; access to campus escort; changes to student housing, dining, or work circumstances; counseling and medical services; victim advocacy; legal assistance; academic support; transportation accommodations; assistance maintaining eligibility for student visa or financial aid; immigration assistance; interim suspension; and administrative leave (with or without pay).

**VII. Applicable Procedures under this Policy**
The Office of Human Resources will address all alleged violations of this policy that are brought against
an employee, a visitor to an employee, or a vendor. The applicable procedures can be found in the Employee Handbook.

If the alleged violation is brought against a student of the College or a visitor to a student, it will be addressed by the Office of Student Conduct. The applicable procedures can be found here in the Student Handbook.

**VIII. Academic Freedom**

Nothing contained in this policy shall be construed to limit the legitimate and reasonable academic responsibilities and academic freedoms of the College's professional educators. Conduct believed to be offensive, on its own, is not sufficient to constitute a violation of this policy. The conduct must be sufficiently serious to interfere with an individual’s ability to participate in employment or an educational program and activities from both a subjective and objective perspective.

**IX. Prevention and Awareness Programs**

In line with the College’s commitment to the prevention of prohibited conduct, Curry College provides a variety of ongoing education and awareness programs. New students and employees receive prevention programming when joining the College community and returning students and current employees receive ongoing training and related education.

For more information about the College’s available prevention and education offerings, please contact:

Idonia Gaede  
Staff Counselor and Sexual Violence Prevention & Response Coordinator  
Wellness Center, 1016 Brush Hill Road, Milton, MA 02186  
(617) 333-2182

**X. Title IX Coordinator / State and Federal Agencies**

Individuals may contact one of the College’s Title IX Coordinators to address questions about the conduct prohibited under this policy, including sexual discrimination and harassment. Individuals may also file a complaint for violations of this policy directly with a Title IX Coordinator.

Title IX Coordinator:  
Rachel King, Assistant Vice President for Title IX  
55 Atherton Street  
Rachel.King@curry.edu  
617-979-3516

Deputy Title IX Coordinator:  
Lisa MacDonald  
Assistant Vice President for Student Affairs  
1016 Brush Hill Road  
lmacdonal0712@curry.edu  
617-391-5240

Deputy Title IX Coordinator:
State and Federal Agencies
In addition to the above, if you believe you have been subjected to unlawful discrimination, harassment or retaliation, you may file a formal complaint with the government agencies set forth below. Using the College’s complaint process does not prohibit you from filing a complaint with these agencies.

1. The United States Equal Employment Opportunity Commission (“EEOC”)
   Boston Area Office:
   John F. Kennedy Federal Building
   475 Government Center
   Boston, MA 02203
   (617) 565-3200
   (800) 669-4000

2. Massachusetts Commission Against Discrimination (“MCAD”)
   Boston Headquarters:
   One Ashburton Place, Suite 601
   Boston, MA 02108
   (617) 994-6000

   Worcester Office:
   484 Main Street, Room 320
   Worcester, MA 01608
   (508) 453-9630

   Springfield Office:
   436 Dwight Street, Room 220
   Springfield, MA 01103
   (413) 739-2145

   New Bedford Office:
   800 Purchase Street, Room 501
   New Bedford, MA 02740
   (508) 990-2390

   5 Post Office Square
   8th Floor
XII. Violations of Massachusetts State Law

Some of the conduct prohibited by this policy may also constitute violations of the law. The following are definitions compiled from the Massachusetts General Laws applicable to certain relevant offenses.

**Dating and Domestic Violence**
Massachusetts law has no statutory definition of “dating violence” or “domestic violence,” but there is a related crime of “domestic abuse” defined as: the occurrence of one or more of the following acts between family or household members: attempting to cause or causing physical harm, placing another in fear of imminent serious physical harm; and causing another to engage involuntarily in sexual relations by force, threat, or duress. Under this law, family or household members include people who are or were married, residing in the same household, related by blood or marriage, have a child together, or have a substantive dating or engagement relationship. *See M.G.L. c. 209A, § 1.*

**Sexual Assault**
There is no crime called “sexual assault” in Massachusetts; however, there are related crimes that constitute sexual offenses:
- “Rape,” which is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. Under state law, rape occurs when the offender has “sexual intercourse or unnatural sexual intercourse with a person and compels such person to submit by force and against his/her will, or compels such person to submit by threat of bodily injury.” *See M.G.L. c. 265, § 22.*
- A sexual assault that does not meet the legal definition of rape may constitute “indecent assault and battery,” which occurs when the offender, without the victim’s consent, intentionally has physical contact of a sexual nature with the victim. *See M.G.L. c. 265, § 13H.*
- “Statutory rape,” which is defined as non-forcible sexual intercourse with a person who is under the statutory age of consent. In Massachusetts the statutory age of consent is 16 years of age. *See M.G.L., c. 265, §23.*

**Stalking**
Under Massachusetts law, M.G.L., c. 265, §43, an individual engages in stalking if she/he: 1) willfully and maliciously engages in a knowing pattern of conduct or series of acts over a period of time directed at a specific person which seriously alarms or annoys that person and would cause a reasonable person to suffer substantial emotional distress; and 2) makes a threat with the intent to place the person in imminent fear of death or bodily injury.

**Consent**
Massachusetts does not have a specific definition for consent in this context. Instead, Massachusetts has several laws that define the age of consent and the additional penalties that attach if a person is under the age of 16 or 14. In Massachusetts, it is illegal to have sex under any circumstances with someone who is incapable of giving consent due to incapacity or impairment; incapacity or impairment may be caused by intoxication or drugs, or because a victim is underage, mentally impaired, unconscious, or asleep.
PROCEDURES FOR INVESTIGATING AND RESOLVING ALLEGED VIOLATIONS OF COLLEGE POLICIES PROHIBITING HARASSMENT AND DISCRIMINATION

Investigation and Grievance Procedures
The following procedures apply to the investigation and resolution of alleged violations of the above policies on Discrimination, Bias-Related Harassment, and Hate Crimes, as well as the College’s Sexual and Gender-Based Harassment and Discrimination Policy (hereinafter “the Policies”).

The College will investigate allegations of violations of these Policies 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 report of alleged violations of these Policies will be addressed, investigated, and/or resolved outside of the procedures described hereinafter, and it also may take interim action as it deems appropriate to address the safety and protection of the College community.

As part of its investigation, the College, through its Director of Student Conduct or another person designated by the Assistant Vice President for Student Affairs (hereinafter, “the conduct officer”), will investigate the alleged violation. At the College’s discretion, more than one investigator may be assigned. The College, in its discretion, may also assign an investigator from outside the College’s administration (“an external investigator”) to conduct the investigation with the College’s internal investigator. (In addition, the College may assign an external investigator, without assigning an internal investigator.) All investigators – internal or external – will be qualified and annually trained individuals employed by the College or engaged by the College for the purpose of conduct investigations under the Policies. Involved parties should inform the Assistant Vice President for Student Affairs (in writing) of any conflicts or potential conflicts of interest with regard to the designated investigator and/or conduct officer.

If the determination is that the report will go through the student conduct process, both the person who makes a complaint alleging a violation of these Policies, or a person who is identified as someone who experienced a violation (“the Complainant”) and the individual alleged to have violated a policy (“the Respondent”) will be notified in writing by the College and a student conduct meeting will be scheduled. This written notice to the Complainant and the Respondent will include a brief description of the allegations, the portion(s) of the Policies that are alleged to have been violated, and any interim measures in place about which either Party must be made aware. This written notice does not constitute a finding or a determination of responsibility.

Both the Complainant and the Respondent will be given the opportunity to inform the College, verbally and/or through a written statement, of any facts that he/she believes should be considered in the College’s investigation of the reported violation. As part of the investigation process, the conduct officer may: offer the Complainant and the Respondent the opportunity to speak (separately) with the conduct officer; speak with other individuals, who in the conduct officer’s discretion may have information relevant to the report; and review written documents, materials, or property, as the conduct officer deems appropriate, to conduct a prompt, fair and impartial investigation. The Complainant and the Respondent are to provide names of witnesses to the alleged violation and identify any documents or items that are relevant to the
investigation. The conduct officer will exercise discretion in their determination of what information to consider and which potential witnesses identified by the Parties can provide relevant information to the investigation. The student conduct officer generally will not consider information related to either Party’s sexual history outside of the conduct in question.

The Complainant and the Respondent each are asked to attend (separately) the Student Conduct Meeting. Students are expected to be truthful, and to participate as requested. Both the Complainant and the Respondent are permitted to have a support person accompany him or her to a Student Conduct meeting. A student should select a support person whose schedule allows attendance at the scheduled date and time for the meetings as delays may not be permitted due to scheduled conflicts for the support person. The role of a support person is to accompany a student with the purpose of providing support during the student conduct meeting. A support person may not address or question the conduct officer, answer on behalf of the student, or otherwise actively participate in the student conduct process. A support person cannot be a witness or otherwise involved in the investigation or resolution process. If the College requests that a student attend a Student Conduct Meeting and the student does not do so for any reason whatsoever, the College will still move forward with the student conduct process.

If a student or a law enforcement agency requests the College to delay its student conduct process because the conduct at issue is also subject to a civil or criminal case, the College, in its sole discretion through its Dean of Students and/or her designee, will determine if it is in the best interest of the College and its community to delay or move forward with the student conduct process, address the matter, and/or implement appropriate interim and/or final actions and sanctions (including, but not limited to, No Contact Orders, full or partial removal from campus, residence facilities, and/or classes, removals or interim removals, or suspensions or interim suspensions), notwithstanding the civil or criminal case.

In instances of alleged sexual misconduct, documentation containing the information gathered during the investigation will be made available for review by the Parties prior to a determination being reached. The parties will be given an opportunity to provide a response to the conduct officer. The facts gathered during the College’s investigation of reported violations will be reviewed, and a decision will be made by the conduct officer as to whether a violation occurred, based upon a preponderance of the evidence standard (i.e., is it more likely than not that the alleged violation occurred). The conduct officer will present this finding to the Assistant Vice President for Student Affairs, or designee, for sanctioning, if applicable.

**Notification of Determination**

The College will inform both the Complainant and the Respondent in writing whether the College has concluded that a violation of the Policies did, or did not occur. Both the Complainant and Respondent will typically be notified of the outcome of the conduct process within 60 days of the commencement of the investigation, although circumstances (including the constraints of the school calendar and scheduling conflicts) may result in a longer period. In certain situations where the complaint involves a report of a crime of violence or a forcible or non-forcible sex offence, the Complainant may be provided with information about the sanctions imposed against the Respondent. 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).
**Disciplinary Action and Sanctions**

When an individual is found to have violated the College’s policies on Discrimination, Bias-Related Harassment, or Hate Crimes or the Sexual and Gender-Based Harassment and Discrimination Policy, appropriate disciplinary action and sanctions will be imposed by the College, including but not limited to, probation, loss of privileges, mandatory training or counseling, mandated assessment, removal from classes, buildings, activities, programs, and/or campus locations, suspension, and/or expulsion from the College. Additional information on sanctions that may be imposed following the determination of a violation of the Policy are referenced in the sanctioning section of the Student Conduct Process in the Student Handbook beginning on page 84. The imposition of sanctions may result in the withholding of a Curry College diploma.

**Appeal Process**

(_The following applies to appeals for cases under the College’s policies on Discrimination, Bias-Related Harassment, or Hate Crimes or the Sexual and Gender-Based Harassment and Discrimination Policy. For appeals for cases under all other policies, please see the appeals process on page 88 of the Student Handbook._)

Both the Complainant and the Respondent may appeal the outcome on one or more 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. 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 Complainant or Respondent to Dean of Students Office within three business days of the College sending them the outcome. The appeal letter must identify on which of the above three reasons the appeal is based. If appealing on grounds of new information, the letter must include the new information that supports his/her position, and explain the specific relevance and credibility of that new information. 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 confirmation of the original outcome, or a change of the outcome, either 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 Vice President of Student Affairs or designee.

**PLEASE NOTE:** The provisions described above for the handling of student conduct and discipline matters pertaining to reported violations of this policy are only guidelines. The process to address, investigate, and resolve student conduct and discipline matters for alleged violations of this policy lies ultimately within the College’s discretion, and the College has the right to determine if the circumstances of a particular situation are such that the College must address the alleged violations in manner different than the provisions set out in these guidelines. These provisions do not constitute contractual promises by the College. Therefore, the student should understand that the College may not follow these provisions and its non-adherence to any of these provisions will not invalidate its determinations.