

CURRY COLLEGE

Nondiscrimination Policy

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I. STATEMENT OF NONDISCRIMINATION

The College seeks to comply with all federal, state, and local laws, regulations, and ordinances prohibiting discrimination in post-secondary education institutions. The College does not discriminate against any employee, applicant for employment, student, or applicant for admission on the basis of actual or perceived:

- Age (40 years and over in the employment context)
- Citizenship status
- Color
- Creed
- Disability (physical or mental)
- Domestic violence victim status
- Ethnicity
- Family responsibilities
- Gender expression
- Gender identity
- Genetic information (including family medical history)
- Marital status
- National origin (including ancestry)
- Political belief or affiliation
- Pregnancy or related conditions
- Race, (including traits associated with race such as hair texture, afro hairstyles, and protective hairstyles)
- Religion
- Sex
- Sexual orientation
- Veteran or military status

This Policy covers nondiscrimination in both employment and access to educational opportunities. Therefore, any member of the College community whose acts deny, deprive, unreasonably interfere with or limit the education or employment, residential, and/or social access, benefits, and/or opportunities of any member of the College community, guest, or visitor on the basis of that person's actual or perceived protected characteristic(s), is in violation of this Policy.

II. DEFINITIONS

Complainant means an individual who has been subjected to conduct that could constitute a violation of this policy.

Employee means any person, whether or not also incidentally a student, who is currently employed by the college, and does not include independent contractors. The term employee will also include:

1. Applicants for employment

2. Employees currently on paid or unpaid leave, whether administrative leave, sabbatical, or other type of approved leave

Reporter means a person who reports a potential policy violation to the Title IX Coordinator, and can be a person other than the Complainant.

Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute a violation of this policy.

Student means any individual who has applied for admission, paid a deposit, registered, or entered into any other contractual relationship with Curry College for any form of instruction, whether or not for credit, including those in the undergraduate, graduate, and certificate programs. For purposes of this policy, “student” status begins at the time of such application, payment, registration, or contractual undertaking, even if the student has not yet arrived on campus or commenced instruction, and continues until such time as the student graduates or otherwise completes the relevant program, formally and permanently withdraws, or is expelled. A student who has taken a leave of absence, is on a medical leave, or has been suspended continues to be considered a “student” for purposes of this policy.

III. SCOPE OF POLICY

This policy prohibits discrimination committed by a member of the college community. College community members include students, trustees, alumni, faculty, administration, staff, visitors, volunteers, independent contractors, and any individuals regularly or temporarily employed, studying, living, visiting, conducting business, or having any official capacity at the college.

This policy applies to conduct occurring on Curry College property, or at or within college-sanctioned events or programs that take place off-campus, including study away, community-based learning, and internship programs. This policy also applies to off-campus conduct, including the use of technology off-campus, that violates this policy if such conduct may have substantial adverse effect on any member of the Curry College community.

This policy applies to conduct by a student, even if it occurs outside of an academic term or when the student is not otherwise enrolled in a course at Curry College (e.g., during summer or holiday break, or participating in a non-Curry study abroad program). Moreover, Curry College continues to administer the policy with respect to any conduct engaged in by the student while a “student” as defined by this policy, even if the student subsequently graduates, withdraws, takes leave, or is otherwise absent from Curry College, and even if Curry College does not learn of such conduct until after the student graduates, withdraws, takes leave, or is otherwise absent from the college.

Curry College also continues to administer the policy with respect to any conduct by an employee with respect to any conduct engaged in by the employee while an “employee” as defined in this policy if the employee subsequently leaves the college, even if Curry College does not learn of such conduct until after the employee leaves the college.

Any Curry employee who is also taking a class or classes at the college will be considered an employee for the purposes of this policy.

Complaints of sexual misconduct, relationship violence, or stalking shall be addressed under the Sexual Misconduct Policy, and may not be brought under this policy. Such complaints should be reported to the

Title IX Coordinator. The College recognizes, however, that harassment related to an individual's sex, sexual orientation, gender identity or gender expression can occur in conjunction with conduct related to an individual's race, color, ethnicity, national origin, religion, age, or disability. Under these circumstances, the College will coordinate the investigation and resolution efforts of such cases under the Sexual Misconduct Policy to address harassing conduct related to the targeted individual's sex, sexual orientation, gender identity or gender expression together with the conduct related to the targeted individual's race, color, ethnicity, national origin, religion, age, or disability.

Complaints concerning denials of student requests for accommodations are heard pursuant to the college's [Student Disability Grievance Policy and Procedure](#).

Questions about this policy should be directed to Curry's Title IX Coordinator: TitleIX@curry.edu.

IV. PROHIBITED CONDUCT

Discrimination. Discrimination under this policy is defined as conduct directed at individuals because of their race, color, national origin, ethnicity, sexual orientation, gender identity, religion, sex, marital status, age (except when sex or age is a bona fide qualification), disability (when the person is otherwise qualified) or genetic information that subjects the individual to different treatment so as to adversely affect the individual's employment or educational experience at the college. Discrimination includes retaliation against an individual for reporting instances of discrimination or harassment under this policy.

Harassment. Harassment is: (1) unwelcome conduct (2) directed at an individual (3) because of their race, color, national origin, ethnicity, sexual orientation, gender identity, religion, sex, marital status, age (except when sex or age is a bona fide qualification), disability (when the person is otherwise qualified), veteran status, genetic information or other protected status (4) that has the effect of unreasonably interfering with an individual's work or academic performance. Harassment may include, but is not limited to, use of racial, ethnic, or religious, slurs or epithets, or other threatening, intimidating, hostile or abusive conduct directed at a person because of characteristics protected by this policy.

Harassment, however, must include something beyond the mere expression of views, words, symbols or thoughts that some person finds offensive. To constitute a hostile environment, the harassment must be sufficiently severe, pervasive or persistent to unreasonably interfere with a work or learning environment viewed by examining a totality of the circumstances from the standpoint of a reasonable person with the same characteristics as the purported recipient of the harassing conduct.

V. EDUCATION

Education and training are a key component of maintaining an environment free from discrimination and harassment. Curry College is committed to providing effective educational and training programs for students, faculty, and staff about this policy and the issues it addresses.

The College also maintains a Bias Incident Response Team that has within its mandate the provision of educational and supportive measures to address individual bias incidents, as well as the development of programming that fosters a climate of inclusion, equity and respectful discourse.

This policy is included in the Employee Handbook and is also available online.

VI. CONFIDENTIALITY AND PRIVACY OF PROCEEDINGS

Curry College recognizes that confidentiality is important in matters involving complaints of discrimination or harassment. All persons responsible for implementing this policy will respect the confidentiality and privacy of the individuals involved, to the extent reasonably possible. Those individuals reporting, accused of, or otherwise involved in a discrimination or harassment complaint are also required to keep the matter as confidential as is reasonably possible. Absolute confidentiality may not be maintained in all circumstances, including when the college is required to disclose information in response to legal process or when the college's need to protect the rights of others must outweigh confidentiality concerns.

Often a person reporting or otherwise concerned about discrimination or harassment wants a discussion to be confidential or “off the record.” The level of confidentiality depends on what legal protections are held by the specific persons receiving the information, and should be addressed with them before specific facts are disclosed. Confidential discussions about discrimination or harassment may be available from persons who, by law, have special professional status. At Curry those individuals are the college chaplain, Sexual Violence Prevention Educator, the counselors at the Student Counseling Center and staff in the Student Health Center. All other Curry employees, including faculty, staff, and resident assistants (RAs), are required to report to the college’s Title IX Coordinator incidents of discrimination and harassment of which they become aware.

College employees who wish to engage in confidential discussions about discrimination or harassment may also choose to use Curry’s Employee Assistance Program (EAP), if eligible for that program. Discussions are confidential and are not reported to the college.

Individuals who participate in a proceeding under this policy may share information that they provide or learn during the process with advisors and family members. The sharing of information beyond these parameters may constitute retaliation, which may result in separate charges under this policy or the Student Code of Conduct or employee disciplinary proceedings.

VII. COURSE MATERIALS AND CONTENT

Complaints under this policy that course materials, projects, or classroom discussions are offensive because they discriminate against individuals on an impermissible basis and/or create a hostile environment in the classroom are to be evaluated with due regard to principles of academic freedom. Consistent with those principles, course content and teaching methods remain the province of individual faculty members. However, course content or teaching methods that focus attention on characteristics protected by this policy which are not germane to the academic discussion, or on such characteristics of individual students, faculty, or staff, are inappropriate and may constitute a violation of this policy.

VIII. ADVISORS

Both parties in the informal resolution process or the formal complaint process of this policy may have an advisor of their choice present throughout those processes. The advisor may not be a practicing attorney and must be a member of the college community (employee or student). The college places restrictions on advisors of both parties regarding the extent of their participation in the investigation process. Advisors may assist a party with understanding the investigation process and preparing for interviews and

meetings; attend interviews and meetings with the party; provide emotional support; and otherwise assist, support and provide guidance and advice as the party moves through the process. Advisors may not speak on behalf of the party at any interviews or meetings or through any written documents. Advisors should consult with the Title IX Coordinator about any questions that arise during the process.

IX. PROCEDURES: GENERAL

Curry College wishes to protect the rights and the integrity of all members of its community. This includes the right of individuals to be free from discrimination and harassment. Any person who feels they have been subjected to discrimination or harassment, as defined in this policy, may choose to initiate either the informal or formal procedures described below. These procedures should be followed in as confidential and sensitive a manner as possible to protect all of the individuals involved.

- A. **Reporting Deadline.** Prompt reporting of a complaint of discrimination or harassment as defined in this policy is strongly encouraged because it facilitates a timely resolution of the matter. However, there may be instances when the person making a complaint is reluctant or unable to report the alleged discrimination or harassment and delayed reporting may result. The Title IX Coordinator is authorized to process a complaint of discrimination or harassment at any time, but delayed reporting may negatively impact the ability of the Title IX Coordinator to conduct a thorough investigation.
- B. **Accommodations for individuals with disabilities and speakers of languages other than English.** Any individual who, because of a disability, may require special arrangements in order to fully participate in the complaint process should inform the Title IX Coordinator. Upon receiving a request for and documentation of such disability, and in consultation with the college's Office of Accessibility Services, the Title IX Coordinator will arrange appropriate accommodations for such individual. Individuals for whom English is a second language may request the assistance of an interpreter and/or translator during the process.
- C. **Curry's Obligation to Address Allegations.** There may be situations or circumstances when a member of the college community is subjected to discrimination or harassment but does not wish to come forward, pursue a complaint under this policy, or when a person observes discrimination or harassment directed at another member of the college community. Curry College will do all it can to respect the Complainant's wishes, but it may proceed to address allegations of discrimination or harassment if and when the college becomes aware of such allegation, especially where the circumstances present a threat of harm or injury to the Complainant or other members of the community. This may include the college initiating an investigation and taking appropriate action based on an investigation of the complaint. The college may also impose sanctions or take other remedial action when a person self-reports and/or accepts responsibility for violating the policy. Any such action will be documented and such documentation will be maintained by the Title IX Coordinator.
- D. **Supportive Measures**

Complainants (as defined above) who report allegations that could constitute covered violations of this policy have the right to receive supportive measures from the college regardless of whether they desire to file a complaint. Supportive measures are non-disciplinary and non-punitive and may not unreasonably burden the Respondent in the absence of a finding of responsibility for conduct prohibited by this policy. The Title IX Coordinator is responsible for the issuance of supportive

measures. Any supportive measures put in place will be kept confidential, except to extent that doing so impairs ability of the college to provide the supportive measures. For example, in order to effectuate a housing change, Residence Life staff may be informed of the need to assist with a housing change as directed by the Title IX Coordinator, but will not be provided with any of the details of any complaint.

Supportive measures include, but are not limited to:

1. Counseling
2. Extensions of deadlines or other course-related adjustments
3. Modifications of work or class schedules
4. Campus escort services
5. Restrictions on contact between the parties (no contact orders)
6. Changes in work or housing locations
7. Leaves of absence

The college will document the supportive measures that are provided, as well as those that were requested but not provided, and must also document the reasons why the supportive measures were or were not provided. In the latter case, the college will document the reasons why the denial of a requested supportive measure was not clearly unreasonable in light of known circumstances.

Every effort will be made to grant requests for supportive measures if they are reasonably available, and both parties will be notified in writing of any supportive measures that are implemented. Supportive measures may become permanent sanctions as an outcome of the informal or formal process.

X. FORMAL COMPLAINT PROCEDURE

A. Making a Report Vs. Filing a Complaint

A report is defined as a notification of an incident of a policy violation to the Title IX Coordinator by any reporting person. A report may be accompanied by a request for supportive measures, no further action, and/or to initiate a formal complaint process by filing a complaint. By contrast, the filing of a complaint initiates the college's formal investigation process.

At the time a report is made, a reporting party does not have to decide whether to file a complaint. The college recognizes that not every individual will be prepared to file a complaint with the college and individuals are not expected or required to pursue a specific course of action. Choosing to make a report and deciding how to proceed after making the report can be a process that unfolds over time. To the extent possible, the college will respect an individual's autonomy in making these important decisions and provide support that will assist each individual in making that determination. A report may become a formal complaint, initiated by either the reporting party or the college, as more fully described in this policy.

To file a complaint, please contact the Title IX Coordinator. Note: Prompt filing of a complaint facilitates a timely resolution of the matter. An individual, such as a former student or former employee who has since left the Curry community, may bring a complaint at any time for alleged behavior that occurred while the individual was a member of the Curry community, although a significant delay in filing a

complaint may limit the college's ability to conduct a thorough investigation. Similarly, students and employees may also be found responsible under this policy for conduct that is not discovered until after a degree is awarded or employment has terminated.

B. Preliminary Assessment of Report and Provision of Supportive Measures

Upon receipt of a report describing a potential violation of this policy, the Title IX Coordinator will take the following actions:

The Title IX Coordinator will promptly contact the Complainant to discuss the availability of supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the Complainant the process for filing a formal complaint.

The Title IX Coordinator will also offer the Complainant supportive measures designed to restore or preserve equal access to the college's education programs or activities and will consider the Complainant's wishes with respect to these measures.

1. Where the Complainant Seeks Resolution Under These Procedures

In any case where the Complainant reports Prohibited Conduct and requests resolution under these procedures, the Title IX Coordinator will promptly initiate an investigation. This process begins with the Complainant making a signed, written Formal Complaint. A formal complaint must be filed with the Title IX Coordinator, and may be filed in person, by mail, or by electronic mail, addressed to the Title IX Coordinator either directly or using the [online form](#).

2. Where the Complainant Requests That No Formal Complaint Be Pursued Under These Procedures

The college supports any Complainant's decision not to pursue a Formal Complaint under these procedures. Where the Complainant does not wish to pursue a Formal Complaint under these procedures, the college will honor the Complainant's wishes unless doing so would not adequately mitigate the risk of harm to the Complainant or other members of the college community or when doing so materially impacts the college's ability to provide a safe and non-discriminatory environment for all members of the college community, including the Complainant. Upon receipt of new or additional information, the Title IX Coordinator may reconsider the Complainant's request that no Formal Complaint be pursued under these procedures and initiate the resolution process, as explained directly below.

Where the Title IX Coordinator determines that the college cannot honor the Complainant's request that no Formal Complaint be pursued under these procedures, the Title IX Coordinator will promptly initiate the resolution process under these procedures by making a signed, written Formal Complaint on behalf of the college. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a Complainant or otherwise a party.

The Title IX Coordinator will notify the Complainant that the college intends to proceed with a Formal Complaint and will take immediate action as necessary to protect and assist the Complainant. The Title IX Coordinator will make reasonable efforts to protect the privacy of the Complainant. However, typically, the Complainant's identity would have to be disclosed as part of the college's investigation.

The Complainant is not required to participate in any proceedings that follow but will be treated as the Complainant in the process and will receive all required communications and opportunities to participate in the investigation and adjudication. However, if the Complainant declines to participate in an investigation and/or the adjudicative process under these procedures, the

college's ability to investigate meaningfully and respond to a report of Prohibited Conduct may be limited.

Regardless of whether the Complainant chooses to file or participate in a Formal Complaint, the Title IX Coordinator will assist the Complainant with reasonable and available supportive measures, which may include academic, housing, transportation, employment, and other measures. Supportive measures provided to the Complainant may not unreasonably burden the Respondent.

Where no Formal Complaint has been filed and a requested supportive measure impacts the Respondent, the Title IX Coordinator will, with the Complainant's consent, provide Respondent with written notice of the report, which includes, as known, the date, time, and location of the alleged Prohibited Conduct and the underlying factual allegations, including the identity of the Complainant. Therefore, certain supportive measures may not be available if the Complainant wishes to maintain anonymity.

Where the Complainant declines to participate in an investigation, the college's ability to meaningfully investigate and respond to a report may be limited.

C. Formal Complaints

The college intends that investigations be completed thoroughly but as promptly as possible.

The timeframe for this process begins with the filing of a Formal Complaint. The process [not including an appeal] will be concluded within a reasonably prompt manner, and no longer than ninety (90) business days [includes Mondays-Fridays, excluding official federal, state and college holidays] after the filing of the Formal Complaint, provided that the process may be extended for a good reason, including but not limited to the absence or illness of a process administrator, such as the investigator or hearing officer, party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

1. 1. Filing a complaint: All formal complaints under this policy may be made in writing or in person by the reporting party. Complaints may be submitted in the following manner:
 - i. [Online](#)
 - ii. To the Title IX Coordinator, available from 8:30 a.m. – 4:30 p.m., Monday through Friday, at 617-333-2212 or in person.
2. Filing of formal complaint by the college: In the absence of a formal complaint, as noted above, the college reserves the right to initiate a complaint.
3. Notice to Complainant: The person making a complaint under this policy is notified in writing that the complaint has been received, who will be investigating the complaint, and what to expect during the investigation process, including a proposed timeline.
4. Notice to Respondent: The person accused of misconduct under this policy is notified in writing and in person (if feasible) of the complaint, who will be investigating the complaint, and what to expect during the investigation process, including a proposed timeline. The Respondent is provided with a copy of the written complaint or summary of a complaint that is made orally to the persons identified above.
5. Cross-complaints: Any cross-complaint filed by a responding party will be addressed in a manner to be determined by the Title IX Coordinator, who shall consider whether the cross-complaint deals with a fact pattern relevant to that alleged by the reporting party and should be considered

within the same investigation. The Title IX Coordinator will also consider the timing of the cross-complaint and whether the investigation of the cross-complaint may delay timely resolution of the complaint. Any cross-complaint that is filed in bad faith or is frivolous will be considered retaliation against the reporting party who filed the original complaint, and, in the discretion of the Title IX Coordinator, will be addressed as a separate violation of the policy or of student code of conduct, student grievance procedure, faculty legislation, or staff employment processes, and may subject the responding party to potential sanctions.

D. Informal Resolution of a Formal Complaint

At any time after a Formal Complaint has been filed and at any time in the investigation and decision-making process, the parties may seek to resolve a report of Prohibited Conduct through Informal Resolution, an administrative process.

Participation in an informal resolution process is entirely voluntary; the Title IX Coordinator will neither pressure nor compel either party to participate in the process or to agree to any specific terms. In every case, the Title IX Coordinator has discretion to determine whether the matter is appropriate for Informal Resolution and to determine the appropriate terms.

If the parties agree to participate in an informal resolution process the Title IX Coordinator will:

1. provide to the parties a written notice disclosing
 - i. the allegations;
 - ii. the requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations;
 - iii. that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the investigation process with respect to the formal complaint; and
 - iv. any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
2. obtain the parties' voluntary, written consent to the informal resolution process.

The following additional conditions apply to this process:

1. Informal resolution will not include face-to-face meetings between the Complainant and the Respondent unless both parties consent to such meetings.
2. The parties are strongly encouraged, although not required, to consult with their advisor and any support persons during the entire Informal Resolution process.
3. If the process is terminated for any reason, the matter will be resolved pursuant to the Formal Complaint resolution process under these procedures, unless the Complainant chooses not to move forward with the formal complaint. For this reason, the investigator will not participate in the informal resolution process.
4. The Title IX Coordinator will oversee the informal resolution process and will have access to all college and investigation records in the matter, including any records or reports prepared during an investigation.

5. If both parties are satisfied with the Title IX Coordinator's recommendation, the matter will be resolved with a written agreement.
6. The Title IX Coordinator will prepare an Informal Resolution agreement. Such terms may include but are not limited to implementation of any sanctions or remedies that could be imposed after a finding of responsibility is reached under these proceedings.
7. The Title IX Coordinator will provide each party, separately, with a copy of the proposed agreement for the party to review, sign, and return.
8. Once a party has returned the signed agreement to the Title IX Coordinator, the party has two (2) business days to reconsider and withdraw from the agreement by notifying the Title IX Coordinator in person or in writing.
9. Within the two (2) business days, if either party withdraws from the agreement, the matter would be returned for resolution of the Formal Complaint.
10. After the two (2) business days, if neither party withdraws, the terms of the agreement will become effective and the Title IX Coordinator will promptly notify both parties in writing that the agreement is final.
11. Once the agreement is effective, the parties may not appeal the agreement. The parties are expected to honor and comply with the terms of the Informal Resolution agreement. Noncompliance may be subject to proceedings under the Campus Code of Conduct or disciplinary procedures for faculty and staff.
12. If the process is terminated and the matter resolved pursuant to the Formal Complaint resolution process, neither the Title IX Coordinator nor the parties will disclose to the decision-maker or the Appeal Panel either the fact that the parties had participated in the Informal Resolution process or any information learned during the process.

E. Investigation Procedure

1. **Investigator:** The Title IX Coordinator will assign a single external investigator to conduct an investigation of the complaint. The external investigator will be a neutral party outside of the college, usually an attorney, who is trained and experienced in conducting investigations. The Title IX Coordinator will send a notice of investigation to the Complainant and the Respondent. The Complainant or the Respondent may submit a written request to the Title IX Coordinator to contest the external investigator, if there are reasonable articulable grounds to suspect bias, conflict of interest, or an inability to be fair and impartial. This challenge must be raised within four (4) business days of receipt of the notice of investigation. All objections must be raised prior to the commencement of the investigation. The Title IX Coordinator will make the determination whether to seek an alternative external investigator.

The college also reserves the right to appoint a single investigator or two investigators from within or outside the college community to conduct the investigation where warranted, as determined in the sole discretion of the Title IX Coordinator, in consultation with the college's legal counsel.
2. **Investigation:** The Complainant and Respondent shall each be interviewed by the investigator and may have an advisor with them for the meeting. The investigator, in consultation with the Title IX Coordinator, may, in their discretion, tape-record interviews with the consent of the interview subjects. No other individual is permitted to record interviews or other proceedings. Both parties may present documents, the names of witnesses, and suggested specific questions to be posed to the parties or witnesses by the investigator. The Respondent may not be present for the

Complainant's interview unless the reporting party consents, and vice versa. Both parties shall have the opportunity to respond to statements made by others. The investigator may also interview other witnesses or consider other evidence as they deem appropriate, subject to the following:

- i. A party's medical or mental health records are confidential under law. If a party voluntarily decides to share such records with the investigator, the relevant portions of the records will be shared with the opposing party and included in the investigation report.
- ii. The investigator shall have the discretion to bar the admission of evidence that is deemed to be more prejudicial than probative.
- iii. Opinions of expert witnesses are not admissible in the investigation. This includes but is not limited to findings prepared by an individual administering a lie detector test to a party or witness.
- iv. Pattern evidence by a Respondent. Where there is evidence of a pattern or conduct similar in nature by the Respondent, either prior to or subsequent to the conduct in question, regardless of whether there has been a finding of responsibility, this information may be deemed relevant and probative to the determination of responsibility and/or assigning of a sanction. The determination of relevance will be based on an assessment of whether the previous incident was substantially similar to the present allegation or information and indicates a pattern of behavior and substantial conformity with that pattern by the responding party.

3. Review of the Final Investigative Record and Draft Report

Upon completion of the investigation, a draft report and investigative record will be made available to the parties to inspect and review in hard copy or electronic format. The college is not under an obligation to use any specific process or technology to provide the evidence and shall have the sole discretion in terms of determining format and any restrictions or limitations on access.

The investigative record shall include:

- i. Written summaries or transcripts (but not audio files) of all interviews by the investigator with the parties and any witnesses
- ii. Copies of any documents, electronic records, and media and photographs or descriptions of physical materials collected during the course of the investigation, except those that are excluded pursuant to Section X.E.2, whether or not the investigator intends to rely on such information in the investigative report and whether or not such evidence is inculpatory or exculpatory

The parties will have ten (10) business days to inspect and review the evidence and draft report and submit a written response by email to the investigator. Parties may request a reasonable extension to this deadline.

This response may include:

- i. provision of additional evidence;
- ii. comments about content, including requests for redaction;

- iii. requests for additional meetings with the investigator;
- iv. requests for the investigator to conduct further investigation and/or questioning of additional witnesses; and
- v. any objections to the relevance of certain evidence.

The Title IX Coordinator will provide copies of the parties' written responses, including any additional evidence, to the investigator, and to all parties and their advisors.

The investigator will consider the parties' written responses before completing the Investigative Report.

The parties and their advisors must sign an agreement not to disseminate any of the evidence subject to inspection and review or responses, or to use such evidence for any purpose unrelated to the procedure. The parties and their advisors agree not to photograph or otherwise copy the evidence.

The investigator has discretion whether to conduct any additional requested meetings, interviews, or questioning identified in the parties' responses.

4. Investigator's Report: In a timely manner, the investigator shall submit a final written report of the investigation to the Title IX Coordinator together with the parties' responses to the draft report, if any. The report shall describe the investigation and all relevant evidence obtained in it, and shall recommend one of the following findings:
 - i. the Respondent is responsible for violating this policy;
 - ii. the Respondent is not responsible for violating this policy; or
 - iii. there is insufficient information to determine whether the Respondent is responsible for violating this policy.

The written investigation report will summarize the information gathered, synthesize the areas of agreement and disagreement between the parties and any supporting information or accounts, and analyze the relevant facts determined through the investigation, referencing any supporting documentation or statements. The investigation report may include summaries of interviews with the Complainant, the Respondent, third-party witnesses, and any other individuals with relevant information, credibility assessments of the parties and witnesses, photographs of relevant sites or physical evidence, electronic records, and forensic evidence.

The report will provide specific support for the recommended findings based on information obtained during the investigation. The investigator shall arrive at the conclusions based on a preponderance of evidence, meaning whether it is more likely than not that this policy was violated. Sanctions shall not be addressed in the investigator's report.

5. Response to Investigator's Report: The parties will have ten (10) business days to inspect and review the evidence and final report and submit a written response to the investigator. Parties may request a reasonable extension to this deadline. The response shall be appended to the final report and provided to the appropriate decision-maker. The parties will also be requested to provide an Impact/Mitigation Statement, to be reviewed by the decision-maker only after a finding of responsibility is made.

F. Final Decision on Responsibility and Sanctions

1. Decision-Makers

At the completion of an investigation, the investigator's final report, with the parties' responses, will be provided to the following individuals to determine responsibility and impose sanctions or remedies:

- i. The Provost (where a faculty member is the Respondent)
- ii. The Associate Vice President of Student Affairs (where a student is the Respondent)
- iii. The Vice President for Human Resources (where a non-faculty staff member is the Respondent)

2. Duties of Decision-Maker

Decision-makers may choose, in their discretion, to meet with the parties, individually, or with any witnesses, or the investigator.

Within fifteen (15) business days after receiving the final investigation report, the decision-maker will make one of the following determinations about responsibility using the preponderance of the evidence standard:

- i. the Respondent is responsible for violating this policy;
- ii. the Respondent is not responsible for violating this policy; or
- iii. there is insufficient information to determine whether the Respondent is responsible for violating this policy.

If a Respondent is determined to be responsible for violating the policy, the decision-maker may impose sanctions and/or remedies.

3. Written Determination Regarding Responsibility and Sanctions

The written determination regarding responsibility and sanctions will be issued by the Title IX Coordinator simultaneously to all parties through their institution email account, or other reasonable means as necessary. The determination will include:

- i. Identification of the allegations potentially constituting Prohibited Conduct
- ii. Findings of fact supporting the determination
- iii. Conclusions regarding which section of this policy, if any, the Respondent has or has not violated
- iv. For each allegation, a statement of, and rationale for, a determination regarding responsibility and any sanctions or remedies imposed
- v. The college's procedures and the permitted reasons for the Complainant and Respondent to appeal (described below in "Appeal")

G. List of Sanctions. Sanctions may include, but are not limited to:

1. For faculty violations: a written warning, a letter of reprimand, mandatory attendance at an educational program on discrimination or harassment, mandatory referral for psychological assessment and compliance with any resulting treatment plan, restriction of responsibilities, restriction of activities and/or access to campus facilities, reassignment, denial of salary increase, suspension without pay, or dismissal;

2. For violations by employees other than faculty members: a written warning, a letter of reprimand, mandatory attendance at an educational program on discrimination or harassment, mandatory referral for psychological assessment and compliance with any resulting treatment plan, restriction of responsibilities, restriction of activities and/or of access to campus facilities, reassignment or transfer to another department, denial of salary increase, suspension without pay, final written warning, or termination.
3. For student violations: a written letter of warning, a letter of reprimand, mandatory attendance at an educational program on discrimination and harassment, mandatory referral for psychological assessment and compliance with any resulting treatment plan, change in room assignment, restriction of activities and/or on access of campus facilities, probation, suspension or dismissal from the residence halls and/or from nonacademic campus activities, suspension or dismissal from the college, and revocation of a degree.

In determining sanction, the sanctions panel or decisionmaker should consider:

1. the responding party's prior disciplinary history;
2. the nature and violence of the conduct at issue;
3. the impact of the conduct on the reporting party;
4. the impact of the conduct on the community, its members, or its property;
5. whether the responding party is likely to engage in the conduct in the future; and
6. any other mitigating or aggravating circumstances.

The sanctions described in this policy are not exclusive of and may be in addition to other actions taken or sanctions that may be imposed by outside authorities.

H. Appeal of a Finding of Responsibility and Sanctions

Each party may appeal a final determination of responsibility and imposition of sanctions. To appeal, a party must submit their written appeal to the Title IX Coordinator within ten (10) business days of being notified of the decision, indicating the grounds for the appeal. The appealing party may request an extension of time by submitting a request to the Title IX Coordinator explaining the reason(s) for the request. The appellate reviewer will have discretion to grant such a request upon a finding of good cause for the delay. Failure to submit an appeal within the ten (10) business days or any approved extension constitutes waiver of the right to appeal.

All appeals will be heard by one Appellate Reviewer:

1. For Faculty Respondents—the President
2. For Staff Respondents—the President
3. For Student Respondents—the Vice President of Student Affairs

All appeals will be based solely upon the investigative record and final Written Determination Regarding Responsibility and Sanctions. When relevant to a stated ground for appeal, the record may be supplemented on appeal with evidentiary materials excluded or redacted from the investigative record or newly discovered evidence.

Appeals may be brought only upon one or more of the following grounds:

1. Procedural irregularity that affected the outcome of the matter
2. New evidence that was not reasonably available at the time the determination regarding responsibility was made, which could affect the outcome of the matter
3. Sanctions were disproportionate for the violation found

The appealing party commences an appeal by submitting a written statement to the Title IX Coordinator. The appeal statement must set forth:

1. the determination(s) being appealed;
2. the specific ground(s) for the appeal; and
3. the facts supporting the grounds.

A copy of the appeal statement will be provided to the other party, who within ten (10) business days may submit a written response to the Title IX Coordinator. The response should address both the specific ground(s) for appeal set forth in the appealing party's statement and the specific facts asserted by the appealing party.

The decision-maker will establish a reasonable schedule for issuing a written decision, typically no later than fifteen (15) business days after receipt of any responses to the appeal.

The decision will be final and binding on all parties. Any decision will be based solely upon the investigative record, the final Written Determination, and, in appropriate cases, a showing of new evidence relevant to the ground for appeal. The decision shall include the rationale for the decision. The Appellate Reviewer may affirm the decision of the decision-maker or sustain any of the above-specified grounds for appeal, in which case the Appellate Reviewer may:

1. reverse or modify a finding of responsibility and/or sanction;
2. remand a case to the investigator for clarification or reconsideration consistent with the appeal decision, if doing so would assist with a timely, practicable, and efficient resolution of the case; or
3. remand a case for a new or additional investigation, to either the original investigator or to a new investigator.

The final written determination of the appeal will be issued simultaneously to all parties through their college email account, or other reasonable means as necessary.

I. Withholding Degrees

At the discretion of the Vice President of Student Affairs, or their designee, a student may not register for classes, participate in room draw, participate in Commencement, or receive a degree if they have not completed or complied with sanctions imposed under this process, or if an investigation is in process. The college may withhold awarding a degree otherwise earned until the completion of these procedures, including the completion of any sanctions imposed.

J. Enforcement of Sanctions

The Title IX Coordinator will be responsible for ensuring that any sanctions imposed are implemented and completed. This may require contacting college employees in a position to enforce or monitor sanctions, such as members of Public Safety, the Director of Residence Life & Housing, or an

employment supervisor. In contacting such persons, the Title IX Coordinator will only disclose as much information as is necessary to ensure that the sanctions are enforced or monitored.

K. Implementation of Remedies

The Title IX Coordinator will be responsible for implementing any remedies they deem necessary or that are recommended by the decision-maker, and will take into consideration the Impact/Mitigation Statements submitted by the parties in doing so. The Office of Diversity, Equity, and Belonging may be consulted for recommendations concerning proposed remedies, which may include the extension of supportive measures to the Complainant previously put in place, and the implementation of campus-wide education and support measures, if the incident has had an impact on other persons in the community. These remedies shall be designed to provide equal access to the Complainant to the college's programs and activities, and to others who may have been affected by the conduct. A decision to impose remedies is not appealable by either party. The Respondent shall be notified of the implementation of any remedies that affects the Respondent.

The implementation of remedies is not subject to appeal and is final.

XI. COMPLAINTS AGAINST PERSONS OUTSIDE THE CURRY COLLEGE COMMUNITY

Faculty, staff, and students who have experienced policy violations committed by members outside of the Curry College community may be entitled to supportive measures under Title IX, as determined by the Title IX Coordinator.

1. Complaints against students from other institutions or other campus visitors should be reported to the Title IX Coordinator who will take appropriate action. This may include forwarding the report, with the reporting party's permission, to the responding party's institution for adjudication.
2. Complaints against employees of entities that do business with Curry should be reported to the Title IX Coordinator, who, in coordination with the campus liaison for the vendor, will investigate the complaint and take appropriate action.
3. Complaints against individuals at internship sites should be reported to the Title IX Coordinator, who in consultation with the Executive Director of Career & Experiential Learning will investigate the complaint and take appropriate action.
4. Complaints against individuals at international study sites should be reported to the Title IX Coordinator, who in consultation with the Executive Director of Career & Experiential Learning, will investigate the complaint and take appropriate action.
5. Complaints by and against alumnae/i should be reported to the Title IX Coordinator, who in consultation with the Vice President for Institutional Advancement will investigate the complaint and take appropriate action.

XII. COMPLAINTS AGAINST CERTAIN ADMINISTRATORS

If the president is the subject of a complaint under this policy, the Title IX Coordinator shall inform the Chair of the Board of Trustees, who will oversee the investigation process, which shall be carried out, to

the extent practicable, in accordance with the procedures referenced in this policy. A confidential report will be made to the entire Board of Trustees at the conclusion of every investigation of the President. The Board will recommend appropriate corrective and/or disciplinary action.

If a member of the President's Executive Team is the subject of a complaint under this policy, the Title IX Coordinator shall inform the President. A confidential report will be made to the President at the conclusion of every investigation of a member of the Executive Team. The Title IX Coordinator will recommend appropriate corrective and/or disciplinary action.

XIII. PROTECTION FOR COMPLAINANTS AGAINST RETALIATION

Threats, intimidation, and retaliation against a complainant for bringing a complaint under this policy, or against any person for participating in the informal or formal process, serving as a witness, or reporting violations of this policy are violations of this policy and thus may be grounds for disciplinary action. Complaints of retaliation may be addressed within an ongoing formal complaint process, or within a separate complaint proceeding, at the discretion of the Title IX Coordinator.

The college will take steps to protect students and employees from reprisal by the Respondent. Such protection will need to be appropriate to the individual's circumstances. For students, this may include the opportunity to change a residence hall assignment, drop a course, transfer to another section of a course, complete a course independently, have a pass/fail option, have a third party grade the student's work, have another person assigned to write recommendations or references on behalf of the student, have another person assigned as an advisor to the student, or change a work assignment. For employees, such protection may include having a third party conduct the annual evaluation, changing a work assignment of the Complainant or Respondent, or transferring the Complainant or Respondent to another department, if feasible.

XIV. MISUSE OF POLICY

The purpose of this policy is to promote and maintain an environment at Curry College that is free from discrimination and harassment. Members of the college community who believe that they have been subjected to discrimination or harassment are encouraged to use the procedures provided in this policy, for the benefit and protection not only of those individuals but ultimately of the entire college community. However, fabricated charges of discrimination and harassment undermine the purpose and effectiveness of this policy. Accordingly, as is the case with any Curry policy, persons who knowingly fabricate complaints under this policy may be subject to disciplinary action. Allegations of fabricated charges must be reported within ninety days of the date of the final determination. Such allegations may be reported to the Title IX Coordinator, who shall investigate the allegations and take any appropriate action. The failure of a complaint to result in a finding of discrimination or harassment is not alone evidence that the charges were knowingly false.

Appendix A

Recordkeeping

RECORDKEEPING

The college will retain records related to incidents processed under this policy in either secure data systems and/or in locked storage areas in the office(s) of the Title IX Coordinator. The college will retain such records for a minimum period of seven (7) years, regardless of case outcome. The college will destroy all case records after the applicable retention period.

Records to be retained include the investigators' report, the final decision, recordings of interviews and hearings, sanction decisions, the appeal decisions, and all supporting documentation, including investigation exhibits. Drafts of any formal documents shall not be retained.

The private notes of investigators, and of decision and appeals panel members, are considered by the college to be sole possession records within the meaning of FERPA and are to be used by such individuals only as a personal memory aid in preparing the investigation report and decisions; are not to be made accessible or revealed to any other person; and shall be maintained by the investigator, hearing officer or panel member in a confidential file for a period of seven years.

In addition, the following record maintenance practices will be followed:

If the person is found responsible, the final decision will be maintained as described below for a period of seven years after the individual's employment has terminated at the college, or the student has ceased attendance at the college.

1. Faculty: The final decision will be kept on file in the Office of the Provost in the faculty member's file.
2. Staff: The final decision will be kept on file in the Office of Human Resources with the personnel file of the employee.
3. Student: The final decision will be kept on file in the Office Community Standards and Accountability with the student's disciplinary file.

If the responding party is found not to have violated the policy, a copy of the decision will be retained in the office of the Title IX Coordinator for seven years.