

Bates College

Equal Opportunity, Non-Discrimination, and Anti-Harassment Policy

August 2024

I. Overview: Institutional Values and Community Principles

Bates College values the diversity of persons, perspectives, and convictions. Critical thinking, rigorous analysis, and open discussion of a full range of ideas lie at the heart of the college's mission as an institution of higher learning. The college seeks to encourage inquiry and reasoned dialogue in a climate of mutual respect. The application of the Equal Opportunity, Non-Discrimination, and Anti-Harassment Policy strives to ensure that we uphold our institutional values and community principles in order to maintain a community free from the harmful consequences of all forms of discrimination and harassment.¹ Bias, harassment, discrimination, and sexual misconduct threaten our ability to thrive personally, academically, and professionally at Bates by violating a person's rights, dignity, and integrity.² Quite simply, these behaviors run counter to our community principles and the mission of the college.

Bates College is committed to providing a non-discriminatory and harassment-free educational, living and working environment for all members of the Bates community, including students, faculty, administrators, staff, and visitors. The college maintains policies that promote a community characterized by trust, mutual respect, and responsibility where all can feel secure and free from bias and discrimination in the classroom; social, recreational, and residential environments; and the workplace. All members of the community are expected to adhere to the requirements of the law and this policy, and to the standards of the college community.

The purpose of this policy is to provide the Bates College community with a clearly articulated set of behavioral standards, common understandings of definitions and key concepts, and descriptions and examples of prohibited conduct, including all forms of discrimination, harassment, sexual violence, stalking, and domestic and dating violence. The policy applies to all community members, including students, faculty, staff, and visitors and is intended to guide students, faculty, and staff who have been affected by harassment or other prohibited behavior,

¹ These categories include: race, color, ancestry, national or ethnic origin, religion, sex, sexual orientation, gender identity, gender expression, primary or native language, marital status, parental status, age, physical or mental disability, genetic information, veteran status, citizenship status, and HIV status. Whenever they are used in this policy the terms bias, harassment, and discrimination connote all forms of bias, harassment, and discrimination based on any of these protected classes. The terms, therefore, refer specifically to all forms of racism, sex-based harassment (including sexual violence), homophobia, transphobia, ableism, ageism, xenophobia, anti-semitism, etc.

² Throughout this policy, the bias, harassment, and discrimination will often be used to capture the entire range of prohibited behavior under this policy.

whether as someone who has been the target of such behavior, someone accused of violating this policy, or a third party.

This policy, as set forth, reaffirms Bates' institutional values, defines community expectations, provides recourse for those individuals whose rights have been violated, and provides for fair and equitable procedures for determining when this policy has been violated. The college is committed to fostering a climate free from bias, racism, discrimination, harassment, and sexual misconduct through clear and effective policies; a well-coordinated and integrated education and prevention program; and prompt and equitable procedures for the informal and formal resolution of reports. The policy provides individuals reporting potential violations with a spectrum of resolution options, including the option to simply receive supportive measures.

This policy prohibits all forms of harassment, discrimination, and sexual misconduct, including discrimination and harassment based upon any protected class, sexual violence, stalking, and all forms of intimate partner violence. The college is dedicated to addressing cases of harassment promptly. Bates values and upholds the equal dignity of all members of the community and strives to support and to balance the rights of all parties involved in the resolution process. Any individual who is found to have violated this policy may face disciplinary sanctions up to and including dismissal from the college or termination of employment.

Bates strongly encourages the prompt reporting of any incident of discrimination, harassment, or sexual misconduct to the college. Upon receipt of a report and in consultation with the individual reporting the incident, the college will take prompt and effective action by: providing support for individuals who make a report or who seek assistance under this policy; conducting a review of the conduct; addressing the safety of individuals and the campus community; and as warranted, pursuing resolution through informal administrative action or formal disciplinary action against an individual accused of violating this policy. This policy outlines specific procedures for the investigation and resolution for all formal complaints.

All Bates community members are strongly encouraged to report information regarding any incident of bias, discrimination, harassment, or sexual misconduct, regardless of whether they wish to pursue a formal complaint. The college is committed to providing programs, activities, and an educational and work environment free from all forms of discrimination, but the college cannot take appropriate action without information about incidents when they occur. By collecting this information about the lived experience of our students, staff, and faculty, we can develop appropriate programming to educate all campus constituencies about effective anti-bias strategies and actions. Through this education, we can achieve our institutional mission, foster a community built on trust and mutual respect, and better protect the health, safety, and welfare of all members of the Bates community.

The college expects all members of our community to participate in the process of creating a safe, welcoming, and respectful environment on campus. In particular, the college expects that Bates community members will take reasonable and prudent actions to prevent or stop an act of bias, discrimination, harassment, or sexual misconduct. Taking action may include direct intervention when safe to do so, enlisting the assistance of other individuals, contacting Campus Safety or law enforcement, or seeking assistance from a person in authority. Community

members who choose to take these actions will be supported by the college and protected from retaliation.

Retaliation, in any way, shape, or form, against any person or group who makes a good faith report, cooperates with an investigation, or participates in a resolution procedure is a violation of college policy. Retaliation should be reported promptly to the Associate Vice President for Title IX and Civil Rights Compliance/Title IX Coordinator for investigation, which may result in disciplinary action independent of any sanction or interim measures imposed in response to the underlying allegations of discrimination and/or harassment.

Discrimination, harassment, and sexual violence also violate federal and state civil rights laws and may be subject to criminal prosecution in addition to action taken by the college. Because behavior that violates this policy may also be a violation of law, any individual who has been subjected to harassment or sexual violence is also encouraged to report to local law enforcement and to consider criminal or civil legal options. An individual may also file a complaint with the U.S. Department of Education's Office for Civil Rights, the Equal Employment Opportunity Commission, and/or the Maine Human Rights Commission.

This policy is effective August 1, 2024 and is in compliance with Maine State law and the federal 2024 Title IX Regulations regarding the handling of sex-based harassment, as well as other Department of Education Office of Civil Rights regulations and guidance regarding Title IX and/or the handling of other civil rights and equity matters.³ Allegations of sexual harassment occurring prior to August 1, 2024 will be resolved using the policy and procedures outlined in the Bates policy on July 31, 2024 which is compliant with the 2020 federal Title IX Regulations. That policy is available from the Title IX Coordinator and at <https://www.bates.edu/here-to-help>.

The Associate Vice President for Title IX and Civil Rights Compliance/Title IX Coordinator will review this policy on an annual basis in order to attend to evolving legal requirements and improve the institutional response, including support services and resources and resolution procedures. The college reserves the right to make changes to this document as necessary. All changes will be posted online and take effect immediately upon posting.

If governing laws or regulations change, or court decisions alter, the requirements in a way that impacts this document, this document will be construed to comply with the most recent governing laws, regulations, or court holdings.

II. Scope of Policy

Bates College denounces bias against, harassment of, and discrimination against any and all individuals or groups. All Bates community members, including students, employees, and volunteers, as well as visitors, are responsible for understanding and complying with this policy.

³ This policy also addresses Interpersonal Violence as required under Maine law – [An Act Concerning Interpersonal Violence on College Campuses](#).

The college will provide supportive measures as described in this policy to assist individuals in accessing the college's educational program.

This policy provides community members with the structure and guidance to assist those who have been affected by discrimination, harassment, sexual misconduct, or other civil rights violations, whether as a Complainant, a Respondent, or a third party, and to provide fair and equitable procedures for investigation and resolution of reports. The policy may be applied to incidents, to patterns, and/or to the institutional culture/climate, all of which may be addressed in accordance with this policy.

When used in this policy and in alignment with the 2024 and 2020 federal Title IX regulations, "Complainant" refers to an individual who is a target, victim, or survivor of any alleged conduct prohibited by this policy. "Respondent" refers to an individual who has been accused of prohibited conduct under this policy. "Third party" refers to any other participant in the process, including a witness to the incident or an individual who makes a report on behalf of someone else.

III. Jurisdiction

All Bates community members are responsible for their actions and behavior, and are required to follow college policies and local, state, and federal law. This policy applies to conduct occurring on property owned or controlled by Bates College⁴ or at college-sanctioned events or programs that take place off campus, including, but not limited to, study away, internship programs, community-engaged learning, and athletics events.

In situations in which both the Complainant and Respondent are members of the Bates College community, this policy may apply regardless of the location of the incident. Upon receiving a report, the Associate Vice President for Title IX & Civil Rights Compliance/Title IX Coordinator (hereafter "Title IX Coordinator") will assess whether the conduct occurred in the context of the college's educational program and whether it has continuing effects on the Bates community.

In addition, off-campus or online conduct that is likely to have a substantial adverse effect on, or poses a threat of danger to, any member of the Bates College community or Bates College is covered under this policy.

The college may also extend jurisdiction to off-campus and/or to online conduct when the conduct affects a substantial college interest.

A substantial college interest includes:

⁴ This provision includes property owned or controlled by recognized student organizations.

- 1) any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law.
- 2) any situation in which it is determined that the Respondent poses an imminent and serious threat to the health or safety of any student, employee, or other individual;
- 3) any situation that significantly impinges upon the rights, property, or achievements of others, significantly breaches the peace, and/or causes social disorder; or
- 4) any situation that substantially interferes with the college's educational interests or mission.

A Complainant is encouraged to report misconduct to the college regardless of where the incident occurred, or who committed it. The college has jurisdiction to take disciplinary action against a Respondent who is a current student or employee. Even if the college does not have jurisdiction over the Respondent, however, the college will take prompt action to provide for the safety and well-being of the Complainant and the broader campus community using all available resources. The Title IX Coordinator may be able to assist and/or advocate for a student or employee who experiences discrimination or harassment in an internship, study abroad program, or other external program where policies and procedures of the host organization may give recourse to the Complainant. When criminal conduct is alleged, the Title IX Coordinator will assist the complainant in contacting local law enforcement if the individual would like to file a report with them.

All vendors serving college through third-party contracts are subject to the policies and procedures of their employers and to these policies and procedures to which their employer has agreed to be bound by their contracts.

This policy provides specific procedures for the resolution of all reports under which the college has jurisdiction. In determining how the college will resolve a report, the Title IX Coordinator strongly considers the preference of the Complainant.

IV. Notice of Non-Discrimination

- A. Policy on Accommodation of Disabilities
- B. Policy on Accomodation of Pregnancy
- C. Role of Associate Vice President Title IX & Civil Rights Compliance/Title IX Coordinator
- D. Roles of Title IX Team & Civil Rights Resolution Team
- E. Contact Information

Bates College is committed to the principle of equal opportunity and to providing an educational and work environment free from any discrimination against, harassment of, or retaliation against any member of the college community on the basis of actual or perceived:

- Age (40 years and over in the employment context);

- Ancestry, national or ethnic origin;
- Citizen status;
- Genetic information, including HIV status;
- Physical or mental disability;
- Pregnancy or parental status;
- Primary or native language;
- Marital status;
- Race or color;
- Religion or creed;
- Sex, gender identity, gender expression, or sexual orientation;
- Veteran or military status; and
- other legally protected statuses.

The college is dedicated to ensuring access, fairness, and equity for all persons in its educational programs, related activities, and employment, including those groups who have faced historical barriers to full and fair integration and participation. When brought to the attention of the college, Bates will take corrective action necessary to stop, prevent, and remedy discriminatory, harassing, and retaliatory behavior following the processes and procedures described in this policy. In addition, the college maintains a continuing commitment to identify and eliminate discriminatory practices in every phase of college operations.

A. Policy on Accommodation of Disabilities

Bates is committed to ensuring full access to its educational programs and activities for students and employees with disabilities. In compliance with the Americans With Disabilities Act (ADA), Section 504 of the Rehabilitation Act, and the Maine Human Rights Act (MHRA), as well as other federal and state laws and regulations pertaining to individuals with disabilities, the college will work collaboratively to make reasonable accommodations for individuals with documented disabilities. All accommodations are made on an individual basis.

Students seeking accommodations should contact the [Office of Accessible Education and Student Support](#), which coordinates services and support for students, to initiate the process. Employees who wish to request accommodations should contact the [Human Resources Office](#).

The college is committed to providing reasonable accommodations and support to qualified individuals to ensure equal access to the reporting and resolution process. Any person needing accommodations to assist them in reporting alleged violations, seeking support, or to ensure full access to the resolution process should notify the Title IX Coordinator, the Director of Accessible Education, or the Human Resources Office.

B. Policy on Accommodation of Pregnancy

Bates is committed to ensuring the protection and equal treatment of pregnant individuals, people with pregnancy-related conditions, and new parents. In compliance with Title IX, the Americans With Disabilities Act (ADA), the Pregnancy Discrimination Act, the Maine Act to Protect Pregnant Workers, and the Maine Human Rights Act (MHRA), as well as other federal

and state laws and regulations pertaining to pregnancy, the college will work collaboratively to make reasonable accommodations for individuals who are pregnant or experiencing pregnancy-related conditions. All accommodations are made on an individual basis.

Students seeking accommodations may contact the Title IX Coordinator, the Associate Director of Health Services for Student Support, or [Office of Accessible Education and Student Support](#) to initiate the process. Employees who wish to request accommodations should contact the [Human Resources Office](#).

C. Role of Associate Vice President for Title IX & Civil Rights Compliance/Title IX Coordinator

The President of Bates College has designated Gwen Lexow, Associate Vice President for Title IX & Civil Rights Compliance, to serve as the college's Title IX Coordinator (hereafter, "Title IX Coordinator"). The Title IX Coordinator oversees the college's compliance with all civil rights laws, including Title IX, and the implementation of its policies on equal opportunity, non-discrimination, and anti-harassment. As the leader of the Title IX Team, the Title IX Coordinator has the primary responsibility for the college's centralized review, investigation, and resolution of reports of bias, discrimination, harassment, sex-based harassment, retaliation, and other civil rights violations. In addition, the Title IX Coordinator is responsible for providing comprehensive nondiscrimination education and training and monitoring the effectiveness of this policy and related procedures to ensure an education and employment environment free from discrimination, harassment, and retaliation.

Trained in college policies and procedures and relevant state and federal laws, the Title IX Coordinator is available to meet with any community member who wishes to report a potential violation of this policy or desires more information about this policy, support resources, possible resolution options, or other courses of action at the college and in the community.

The Title IX Coordinator acts with independence and authority free from bias and conflicts of interest.

D. Roles of the Title IX Team and Civil Rights Resolution Team

The Title IX Coordinator is assisted by Deputy Title IX Coordinators in athletics, student affairs, human resources, and the dean of faculty offices. These Deputy Title IX Coordinators have a shared responsibility for supporting the Title IX Coordinator and are accessible to any member of the community for consultation and guidance.

The Civil Rights Resolution Team works in conjunction with the Title IX Team and includes individuals involved in the resolution of reports, such as advisors, investigators, decision makers, and appellate officers. Any individual involved in the resolution of complaints under this policy receives specific training designed to assist them with the execution of their role in the resolution process.

All members of the Title IX Team and Civil Rights Resolution Team are vetted and trained to ensure that they are not biased for or against any party in a specific case, or for or against Complainants or Respondents generally. Any concerns regarding bias or potential conflict of interest of a Title IX or Civil Rights Resolution team member should be brought to the attention of the Title IX Coordinator. Any concerns regarding the Title IX Coordinator should be brought to the attention of a Deputy Coordinator or the President (president@bates.edu or 207-786-6100).

E. Contact Information

Reports of potential policy violations or inquiries or complaints concerning the application of this policy may be referred to the Title IX Coordinator or any Deputy Title IX Coordinator. The Title IX Team is also available to answer any questions regarding this policy and support under it.

Associate Vice President for Title IX and Civil Rights Compliance/Title IX Coordinator

Gwen Lexow

Lane Hall 202-A | 207-786-6445 | glxow@bates.edu or titleix@bates.edu
www.bates.edu/here-to-help

Interim Deputy Title IX Coordinator for Athletics

Alison Montgomery, Head Women's Basketball Coach

Alumni Gym, Room 10 | 207-786-6362 | <mailto:amontgom@bates.edu>

Deputy Title IX Coordinator for Faculty

Don Dearborn, Associate Dean of Faculty and Professor of Biology

Lane Hall 120 | 207-786-6107 | ddearbor@bates.edu

Deputy Title IX Coordinators for Staff and Visitors

Lauren Danie-Briggs, Director of Employee Experience

220 College Street | 207-786-6433 | <mailto:ldaniebriggs@bates.edu>

Patty Rooney, Assistant Vice President for Human Resources and Environmental Health & Safety

220 College Street | 207-753-6935 | prooney@bates.edu

Deputy Title IX Coordinator for Students

Andee Bucciarelli, Associate Director of Residence Life for Health Education

Chase Hall, Room 001E | 207-786-6215 | abucciar@bates.edu

Inquiries may also be directed to the following government agencies:

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

400 Maryland Avenue, SW, Washington, DC 20202-1100

800-421-3481 | TTY: 800-877-8339 | OCR@ed.gov

www.ed.gov/ocr

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

5 Post Office Square, 8th Floor, Boston, MA 02109-3921
617-289-0111 | ocr.boston@ed.gov

Maine Human Rights Commission

#51 State House Station, 19 Union Street, Augusta, ME 04333
207-624-6290 | TTY: Maine Relay 711 | Request@mhrc.maine.gov
www.maine.gov/mhrc/

Employees may also contact:

United States Equal Employment Opportunity Commission

131 M Street, NE, Washington, DC 20507
800-669-4000 | TTY: 800-669-6820 | ASL Video: 844-234-5122 | info@eeoc.gov
www.eeoc.org

United States Equal Employment Opportunity Commission -- Boston Office

JFK Federal Building, 15 New Sudbury Street, Room 475, Boston, MA 02203-0506
800-669-4000 | TTY: 800-669-6820 | ASL Video: 844-234-5122

Individuals who participate in activities funded by federal grants (such as NASA, National Institutes of Health [NIH], Department of Justice, etc.) may also report concerns directly to the funding agency. The Title IX Coordinator and members of the [Sponsored Programs and Research Compliance staff](#) are available to assist individuals with reporting to funding agencies.

V. Privacy and Confidentiality

- A. Privacy
- B. Confidentiality
- C. Privilege
- D. Unauthorized Disclosure
- E. Reporting Responsibilities of Employees
- F. Reporting Responsibilities Regarding Minors
- G. Request for Confidentiality
- H. Timely Warning
- I. Release of Information
- J. Student-Athletes and NCAA Information-Sharing Requirements
- K. Recording of Resolution Proceedings
- L. Maintenance of Records

Bates College is committed to protecting the privacy of all individuals involved in any report under this policy. In compliance with federal regulations, the college will not share the identity of any individual who has made a complaint of discrimination, harassment, or retaliation; any Complainant; any individual who has been reported to be the perpetrator of discrimination, harassment, or retaliation; any Respondent; or any witness, except as permitted by, or to fulfill the purposes, of applicable laws and regulations (e.g., Title IX), Family Educational Rights and Privacy Act (FERPA) and its implementing regulations, or as required by law; including any investigation, or resolution proceeding arising under these policies and procedures.

All college employees who are involved in the college's response, including investigators and hearing officers, receive specific instruction about respecting and safeguarding private information in accordance with state and federal law. Throughout the process, every effort will be made to protect the privacy interests of all individuals involved in a manner consistent with the need for a thorough review of the report. Such a review is essential to protecting the safety of the Complainant, the Respondent, and the broader campus community and to maintaining an environment free from discrimination and harassment.

The college recognizes that allegations under this policy may include multiple forms of discrimination and harassment as well as violations of other Bates policies; may involve various combinations of students, employees, and other members of the college community; and may require the simultaneous attention of multiple departments. Accordingly, all college officials addressing aspects of the same complaint will share information, combine efforts, and otherwise collaborate, to the maximum extent permitted by law and consistent with other applicable policies, to provide uniform, consistent, efficient, and effective responses to the alleged discrimination, harassment, or retaliation.

The privacy of student educational records will be protected in accordance with the [Family Educational Rights and Privacy Act \(FERPA\)](#), as outlined on the [Bates Registrar's webpage](#). The use of employee records is governed by Human Resources policies outlined in the [Employee Handbook](#), as well as federal and state law. The disclosure of private information contained in medical records is protected by the [Health Insurance Portability and Accountability Act \(HIPAA\)](#).

Privacy and confidentiality have distinct meanings under this policy.

A. Privacy

Privacy means that information related to a report made under this policy will only be shared with a limited group of individuals who "need to know" in order to assist with the implementation of supportive measures or remedies or with the active review, investigation, or resolution of the report. The information shared with these individuals will be limited to the bare minimum necessary. While not bound by confidentiality, these individuals will be discreet, and respect and safeguard the privacy of all individuals involved in the process.

The college reserves the right to contact parents/guardians of students to inform them of situations in which there is a significant and articulable health and/or safety risk. Typically, the college will consult with the student prior to doing so.

B. Confidentiality

Confidentiality exists in the context of certain protected relationships, particularly among those who provide services such as medical care, mental health counseling and care, legal advice, and pastoral care. Confidentiality also applies to those designated by the college as Confidential Employees for purposes of reports under this policy, regardless of legal or ethical protections. When an individual shares information with a Confidential Employee, the Confidential Employee does not need to disclose that information to the Title IX Coordinator. The Confidential Resource will, however, provide the Complainant with the Title IX Coordinator's contact information, assist the Complainant in reporting, if desired, and provide them with information on how the Office of Title IX and Civil Rights Compliance can assist them. With respect to Confidential Employees, information may be disclosed when: (1) the reporting person gives written consent for its disclosure; (2) there is a concern that the person will likely cause serious physical harm to self or others; or (3) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18, elders, or persons with disabilities.

Non-identifiable information may be shared by Confidential Employees for statistical tracking purposes as required by the Clery Act/Violence Against Women Act (VAWA). Other information may be shared as required by law.

C. Privilege

Exists in the context of laws that protect certain relationships, including attorneys, spouses, and clergy. Privilege is maintained by a provider unless a court orders release or the holder of the privilege (e.g., a client, spouse, parishioner) waives the protections of the privilege. College treats employees who have the ability to have privileged communications as Confidential Employees.

D. Unauthorized Disclosure

Parties and Advisors are prohibited from disclosing information obtained by college through the Resolution Process, to the extent that information is the work product of college (meaning it has been produced, compiled, or written by college for purposes of its investigation and resolution of a Complaint), without authorization. It is also a violation of college policy to publicly disclose institutional work product that contains a party or witness's personally identifiable information without authorization or consent. Violation of this Policy is subject to significant sanctions.

E. Reporting Responsibilities of Employees

All college employees, other than those who are specifically designated as confidential resources (Confidential Employees) under this policy are required to share with the Title IX Coordinator all knowledge of discrimination, harassment, retaliation, or other prohibited conduct witnessed or shared with them in the course of their employment. This includes student

employees with a responsibility for student welfare such as student residence life staff, academic tutors, and Student Academic Support Center staff.

This notification should be done promptly. While individuals must share all known details with the Title IX Coordinator, care should be taken to maintain the Complainant's privacy as much as possible. Upon receipt of this information, the Title IX Coordinator will reach out to the Complainant to offer information regarding supportive measures and formal and informal resolution options.

Whenever possible, employees should alert students and co-workers of their obligation to report disclosures, which includes sharing the names of individuals involved and relevant facts regarding the alleged incident (including the date, time, and location), to the Title IX Coordinator prior to the disclosure of any personal information. We suggest faculty include this information on their syllabi.

Failure to report a known incident of harassment or discrimination by a non-confidential employee is a violation of college policy and could be subject to discipline. This also includes situations when a harasser is a required reporter. Such individuals are obligated to report their own misconduct, and failure to do so is a chargeable offense under this policy.

F. Reporting Responsibilities Regarding Minors

All Bates employees and volunteers who know, suspect, or receive information indicating that a minor has been abused or neglected, or who has other concerns about the safety of a minor, must immediately notify the Title IX Coordinator. Under Maine law, abuse or neglect is a threat to the child's health and welfare by physical, mental or emotional injury or impairment, sexual abuse or exploitation, deprivation of essential needs or lack of protection from these, by a person responsible for the child. In the State of Maine, all educators and administrators are designated as Mandated Reporters and must report any abuse or neglect of a child to the Department of Health and Human Services (DHHS) Office of Children and Family Services (OCFS) or Maine District Attorney's Office. The Title IX Coordinator will assist with this notification. Failure to report potential abuse of a minor may result in disciplinary action up to and including termination.

G. Request for Confidentiality

The college will pursue a course of action consistent with the Complainant's request for confidentiality where possible. Where a Complainant requests that their name or other identifiable information not be shared with the Respondent or that no formal action be taken, the college will balance this request with its dual obligation to provide a safe and non-discriminatory environment for all Bates community members and to remain true to principles of fundamental fairness that require notice and an opportunity to respond before disciplinary action is taken against a Respondent.

In making this determination, the college may consider, among other factors, the seriousness of the conduct, the respective ages of the parties, whether the Complainant is a minor under the age of 18, whether there have been other complaints or reports of harassment or misconduct

against the Respondent, the existence of independent evidence, and the rights of the Respondent to receive notice and relevant information before disciplinary action is sought. The Title IX Coordinator in consultation with the Title IX Team will evaluate all requests for confidentiality.

Where the college is unable to take action consistent with the request of the Complainant, the Title IX Coordinator will inform the Complainant about the college's chosen course of action, which may include the college seeking disciplinary action against a Respondent. Alternatively, the course of action may include steps to limit the effects of the alleged harassment and prevent its recurrence that do not involve formal disciplinary action against a Respondent or revealing the identity of the Complainant.

H. Timely Warning

If a report discloses a serious, immediate, or continuing threat to the Bates community, the college may issue a campus wide timely warning or notification (which may take the form of an email, text, or other electronic communication to community members) to protect the health or safety of the community and to heighten safety awareness. A timely warning may be issued for a report of any act of violence, but is particularly likely when the college receives reports of assault, sexual assault, domestic violence, dating violence, and stalking that pose a continuing threat of bodily harm or danger to members of the community. Timely warnings will not include any identifying information about the Complainant.

I. Release of Information

All college proceedings are conducted in compliance with the requirements of FERPA, the 2022 Reauthorization of the Violence Against Women Act, the Clery Act, Title IX, state and federal law, and college policy. No information shall be released from such proceedings except as required or permitted by law and college policy.

At no time will the college release the name of a Complainant to the general public without express consent from them. The release of the Respondent's name to the general public is guided by FERPA and the Jeanne Clery Act. The college may share non-identifying information about reports received in aggregate form, including data about outcomes and sanctions.

When the resolution of a complaint results in disciplinary sanctions, the release of information regarding these disciplinary actions will be governed by the [Policy on Reporting Student Disciplinary Matters](#) or as outlined in the [Bates College Employee Handbook](#) as applicable. In all circumstances, any release of information will be in compliance with all applicable state and federal laws.

Anonymous statistical information regarding reports must be shared with Bates Campus Safety where required by the Clery Act. Annual Clery reporting to the U.S. Department of Education is required by all educational institutions. The information contained in the Clery Report only tracks the number of Clery-reportable offenses occurring at campus locations or college-sponsored programs (e.g., study away) and does not include the names or any other identifying information

about the person(s) involved in the report. This statistical information is also shared in compliance with Maine state law.

J. Student-Athletes and NCAA Information-Sharing Requirements

As part of its commitment to fostering an athletic culture that supports student safety, the NCAA requires all student-athletes to self-disclose any personal conduct that resulted in an investigation or discipline through a Title IX proceeding or in a criminal conviction for sexual, interpersonal, or other acts of violence. Failure to accurately and fully disclose this information could result in penalties, including loss of eligibility to participate in athletics.

In addition, institutions are charged with a) confirming the accuracy of these self-disclosures, b) sharing student-athlete disciplinary information related to these issues with other NCAA institutions in the event a student-athlete wishes to enroll in a different institution, and c) disclosing to the Athletic Department when the institution begins any formal investigation or imposes any disciplinary action related to sexual, interpersonal, or other violence involving a Respondent who is a student-athlete. In all instances, the information shared will be strictly limited to that information necessary to meet these compliance requirements and will not include any information regarding the Complainant.

Student-athletes will receive notice of these requirements through the Athletic Department as part of their annual athletic compliance certification. Students who have questions about this policy may contact the Title IX Coordinator or the Deputy Title IX Coordinator for Athletics. Further information can also be found on the [Bates College Athletic Department website](#).

K. Recording of Resolution Proceedings

Bates College policy prohibits unauthorized audio or video recording of any kind. If a Complainant, Respondent, Witness, Advisor, or third-party wishes to record any meeting or interview, they must notify the Title IX Coordinator of that request and receive expressed permission.

The college reserves the right to record all meetings, interviews, and hearings, as necessary, to ensure a compliant and reliable process. All participants will be made aware of audio and/or video recording and how that recording will be used prior to the start of the meeting, interview, or hearing. All recordings will be retained and made available to the parties in accordance with federal and state laws.

L. Maintenance of Records

The Title IX Coordinator will be responsible for documenting all reports under this policy and the actions taken to resolve them. These records will be maintained consistent with college records policies and as required by state or federal law.

For a period of at least seven years following the conclusion of the Resolution Process, the college will maintain records of:

- 1) each discrimination, harassment, and retaliation resolution process, including any Final Determination regarding responsibility or appeal, and any audio or audiovisual recording or transcript required under federal regulation;
- 2) any disciplinary sanctions imposed on the Respondent;
- 3) any supportive measures provided to the Parties and any remedies provided to the Complainant or the community designed to restore or preserve equal access to college's education program or activity;
- 4) any appeal and the result therefrom;
- 5) any Informal Resolution and the result therefrom;
- 6) all materials used to provide training to the the Coordinator, the Coordinator and designees, Investigators, Decision-makers, Appeal Officers, Informal Resolution Facilitators, and any person who is responsible for implementing college's resolution process, or who has the authority to modify or terminate supportive measures. The college will make these training materials available for review upon request; and
- 7) All materials used to train all employees consistent with the requirements in the 2024 and 2020 Title IX Regulations.

VI. Online Harassment and Misconduct

College policies are written and interpreted broadly to include online manifestations of any of the prohibited behaviors, when those behaviors occur in or have an effect on the college's education program and activities, or when they involve the use of college networks, technology, or equipment.

Although the college may not control websites, social media, and other venues through which harassing communications are made, when such communications are reported to college, it will engage in a variety of means to address and mitigate the effects. These means may include use of the resolution process to address off-campus conduct whose effects contribute to limiting or denying a person access to college's education program or activity.

Nothing in this policy is intended to infringe upon or limit a person's rights to free speech. Any online posting or other electronic communication by students, including technology-facilitated bullying, stalking, harassment, etc., occurring completely outside of the college's control (e.g., not on college networks, websites, or between college email accounts) will only be subject to this policy when such online conduct can be shown to cause (or will likely cause) a substantial in-program disruption or infringement on the rights of others. Otherwise, such communications are considered speech protected by the principles of free expression. Supportive measures for Complainants will be provided.

VII. Inclusion Related to Gender Identity and Expression

The college strives to ensure that all individuals are safe, included, and respected in their education and employment environments, regardless of their gender identity or expression. This includes intersex, nonbinary, transgender, agender, two-spirit, and gender-diverse students and employees.

Discrimination and harassment on the basis of gender identity or expression are not tolerated by the college. If a member of the college community believes they have been subjected to discrimination under this policy, they should follow the appropriate reporting process described herein.

In upholding the principles of equity and inclusion, the college supports the full integration and healthy development of those who are gender diverse and seeks to eliminate any stigma related to gender identity and expression.

The college is committed to fostering a climate where all identities are valued, contributing to a more vibrant and diverse community. The college will administratively address issues that some students and employees, including those identifying as intersex, transgender, agender, nonbinary, and gender diverse, may confront as they navigate systems originally designed around the assumption that gender is binary. As our society's understanding of gender evolves, so do college's processes and policies.

Concepts like misgendering and deadnaming may not be familiar to all but understanding them is essential to college's goal of being as welcoming and inclusive a community as possible.

Misgendering is the intentional or unintentional use of pronouns or identifiers that are different from those used by an individual. Unintentional misgendering is usually resolved with a simple apology if someone clarifies their pronouns. Intentional misgendering is inconsistent with the type of community we hold ourselves to be and may constitute a policy violation if the effect is greater than *de minimis* harm.

Deadnaming means using someone's birth-assigned (cisgender) name, rather than the name they have chosen. Again, unintentional deadnaming can often be addressed by a simple apology and an effort to use the person's chosen name. Intentional deadnaming could be a form of bullying, outing, or otherwise harassing an individual, and thus should be avoided.

This policy should be interpreted consistent with the goals of maximizing the inclusion of intersex, transgender, transitioning, agender, nonbinary, and gender-diverse students and employees, including:

- maintaining the privacy of all individuals consistent with law;
- ensuring all students have equal access to educational programming, activities, and facilities, including restrooms and locker rooms;

- ensuring all employees have equal access to employment opportunities and work, service, or health-related facilities;
- providing professional development for employees and education for students on topics related to gender inclusion; and
- encouraging all students and employees to respect the pronoun usage and identities of all members of the college community.

The college uses a number of interventions to address concerns that are raised related to gender-based harassment or discrimination, including problem-solving, intervention, confrontation, investigation, and policy enforcement. When conflicts arise between the right of members of the community to be free from gender-identity discrimination and those exercising their right to religious freedom, the college will try to balance rights and interests to find mutually agreeable outcomes or compromises. When that is not possible, the college will offer remedial solutions or enforce its policies while also respecting the rights of all members of its community.

VIII. Prohibited Conduct and Definitions

- A. Discrimination
- B. Harassment
 - i. Discriminatory Harassment
 - ii. Sex-based Harassment (Title IX, Title VII, and Fair Housing Act)
 - a) Quid Pro Quo
 - b) Hostile Environment Harassment
 - c) Sexual Assault
 - d) Dating Violence
 - e) Domestic Violence
 - f) Stalking
- C. Other Prohibited Conduct
 - i. Sexual Exploitation
 - ii. Interpersonal Violence (Under Maine State Law)
 - iii. Physical Assault or Threats of Violence
 - iv. Hazing
 - v. Bullying
 - vi. Indecent Exposure
 - vii. Retaliation
 - viii. Unauthorized Disclosure
 - ix. Failure to Comply/Process Interference
- D. Prohibited Relationships by Persons in Authority
- E. Other Campus Code Violations
- F. Hate Crimes and Bias Incidents
 - i. Hate Crime
 - ii. Bias Incident

All members of the Bates community are entitled to an educational and employment environment free from discrimination, harassment, and bias. The sections below describe prohibited conduct; engaging in such conduct could result in disciplinary action (up to and including expulsion from the college or termination of employment) through the appropriate resolution process described in this policy.

The college recognizes that a robust learning environment often challenges community members to engage in difficult conversations. This policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane, but controversial or sensitive, subject matters protected by [academic freedom](#) and/or the First Amendment.⁵

The sections below describe the specific forms of legally prohibited discrimination, harassment, and retaliation that are also prohibited under college policy. When speech or conduct is protected by academic freedom and/or the First Amendment, it will not be considered a violation of college policy, though supportive measures will be offered to those impacted.

Any of the following offenses can be charged individually or combined as pattern offenses, in which case the Notice of Investigation and Allegation (NOIA) will clearly indicate that both individual incidents and a pattern of conduct are being investigated. A pattern may exist and be charged when there is a potential substantial similarity to incidents where the proof of one could make it more likely that the other(s) occurred, and vice-versa. Patterns may exist based on target selection, similarity of offense, or other factors. Where a pattern is found, it can be the basis to enhance sanctions, accordingly.

Violation of any other college policies may constitute discrimination or harassment when motivated by actual or perceived protected characteristic(s), and the result is a limitation or denial of employment or educational access, benefits, or opportunities.

The college reserves the right to address offensive conduct that does not rise to the level of creating a hostile environment or that is not based on a protected status. Addressing such conduct will not result in the imposition of discipline under this policy, but may include respectful conversation, education, remedial and supportive actions, and/or other informal mechanisms.

The prohibited behaviors described below encompass actual and/or attempted offenses.

A. Discrimination

Discrimination is different treatment with respect to a person's employment or participation in an education program or activity based, in whole or in part, upon the person's actual or perceived protected characteristic. Discrimination also includes allegations of a failure to provide reasonable accommodations as required by law or policy, such as for disability, religion, or creed.

⁵ For more information on academic freedom, see Bates Faculty Handbook, Article III. Section 5.

Discrimination can take two primary forms:

1. **Disparate Treatment Discrimination:** Any intentional differential treatment of a person or persons that is based on a person's actual or perceived protected characteristic and that:
 - excludes a person from participation in;
 - denies the person benefits of; or
 - otherwise adversely affects a term or condition of a person's participation in a college program or activity.

2. **Disparate Impact Discrimination:** Disparate impact occurs when policies or practices that appear to be neutral unintentionally result in a disproportionate impact on a protected group or person that:
 - excludes an individual from participation in;
 - denies the individual benefits of; or
 - otherwise adversely affects a term or condition of an individual's participation in a college program or activity.

B. Harassment

i. Discriminatory Harassment

Discriminatory harassment refers to verbal, written, visual, or physical conduct based on or motivated by an individual's actual or perceived protected characteristic or activity as described in Section IV of this policy.

Discriminatory harassment is unwelcome conduct or behavior on the basis of actual or perceived protected characteristic(s) that based on the totality of the circumstances, is subjectively and objectively offensive, and is so severe or pervasive, that it limits or denies an individual's ability to participate in or benefit from the college's education program or activity.

ii. Sex-based Harassment (Applicable under Title IX, Title VII, and the Fair Housing Act)

The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the State of Maine regard sex-based harassment, a specific form of discriminatory harassment, as an unlawful discriminatory practice. **Sex-based harassment** means sexual harassment and other harassment on the basis of sex,⁶ including sex stereotypes, sex

⁶ Throughout this Policy, "on the basis of sex" means conduct that is sexual in nature, or that is directed to the Complainant because of his/her/their actual or perceived sex or gender identity.

characteristics, pregnancy or related conditions, sexual orientation, and gender identity and sexual assault, dating violence, domestic violence, and stalking.

Bates has adopted the following definition using plain language to assist individuals in understanding the definitions used in the Clery Act and the federal Title IX regulations that all colleges must adopt.⁷

Acts of sex-based harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

For all sex-based harassment definitions, “reasonable person” means a reasonable person under similar circumstances and with similar identities to the Complainant.

Sex-based harassment can take a number of forms:

- a) **Quid Pro Quo:** A Bates employee or other person authorized by the college with the ability to provide an aid, benefit, or service under college’s education program or activity, explicitly or impliedly conditioning the provision of such aid, benefit, or service, on a person’s participation in unwelcome sexual conduct.;⁸
- b) **Hostile Environment Harassment:** Unwelcome sex-based conduct that based on the totality of the circumstances, is subjectively and objectively offensive, and is so severe or pervasive, that it limits or denies a person’s ability to participate in or benefit from college’s education program or activity.
- c) **Sexual Assault:** Any sexual act directed against another person, without the consent of the Complainant, including instances in which the Complainant is incapable of giving consent. This includes having one person touch another person sexually, forcibly, and/or without their consent.

Sexual assault can take four forms:

- 1) Rape: vaginal or anal penetration of the Complainant, however slight, with a body part (e.g., penis, tongue, finger, hand) or object, or oral

⁷ This definition set is not taken from the FBI Uniform Crime Reporting (UCR) system verbatim. ATIXA has substituted Complainant for “victim,” has removed references to his/her throughout, and has defined “private body parts.” These definitions also incorporate the definitions of similar terms for behavior prohibited under Maine State law.

⁸ This definition is understood to encompass the quid pro quo sexual harassment definition included in the Maine Human Rights Commission employment regulations. Under these regulations, Quid Pro Quo is defined as having occurred when a) submission to unwelcome sexual conduct is made either explicitly or implicitly a term or condition of an individual’s employment; or b) submission to or rejection of unwelcome sexual conduct is used as the basis for employment decisions affecting the individual. Employment Regulations of the Maine Human Rights Commission, Sections 10(1)A and 10(1)B.

penetration of the Complainant by a sex organ of the Respondent without the consent of the Complainant;

Fondling: other intentional physical contact of the private body parts of the Complainant (buttocks, groin, or breasts) by the Respondent for the purposes of sexual gratification and without the consent of the Complainant;

- 3) Incest: Sexual intercourse between people who are related to each other within the degrees wherein marriage is prohibited. In the State of Maine, a person may not marry that person's parent, grandparent, child, grandchild, sibling, nephew, niece, aunt, or uncle; and
- 4) Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent. In the State of Maine, consent cannot be given by minors who are 14 or 15, if the actor is at least 5 years older than the minor. Consent cannot be given by minors under 14 years of age, regardless of the age of the Respondent. For this reason, any sexual act with an individual under 14 years of age is considered a felony.

- d) **Dating Violence:** Violence, on the basis of sex, committed by a person, who is in or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

- e) **Domestic Violence:** Violence, on the basis of sex, committed by any of the following:
 - a current or former spouse or intimate partner of the Complainant;
 - a person with whom the Complainant shares a child in common;
 - a person who is cohabitating with, or has cohabitated with the Complainant as a spouse or intimate partner;
 - a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of the State of Maine; or
 - any other person considered a household member under the domestic or family violence laws of the State of Maine.

To categorize an incident as Domestic Violence, the relationship between the Complainant and the Respondent must be more than just two people living

together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

- f) **Stalking:** A course of conduct, on the basis of sex, directed at the Complainant that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress.

For the purposes of this definition, “course of conduct” means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property. These acts can occur by any action, method, device, or means. “Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Stalking includes cyberstalking -- stalking that occurs through the use of technology or any electronic communication.

C. Other Prohibited Conduct

Bates also prohibits the following behavior as forms of discrimination. In addition to the forms of sexual harassment described above, which are covered by Title IX of the Education Amendments of 1972, these behaviors may or may not fall within the scope of Title IX.

i. Sexual Exploitation

Sexual Exploitation occurs when an individual takes non-consensual or abusive sexual advantage of another for one’s own advantage or benefit, or to benefit or advantage anyone other than the person being exploited and that does not otherwise constitute sex-based harassment under this policy.

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

- surreptitiously observing another individual's nudity or sexual activity or allowing another individual or group to observe consensual sexual activity without the knowledge and consent of all parties involved;
- invasion of sexual privacy (e.g. doxxing);
- non-consensual taking or streaming of images, photography, video, or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all parties involved;
- distributing sexually intimate or sexual information about another person;
- knowingly making an unwelcome disclosure of (or threatening to disclose) a person’s sexual orientation, gender identity, or gender expression
- prostituting another person or engaging in sex trafficking;
- inducing another to expose their own genitals in non-consensual circumstances;

- knowingly exposing another individual to a sexually transmitted infection (STI) or virus without their knowledge;
- misappropriating another person's identity on apps, websites, or other venues designed for dating or sexual connections;
- inducing or attempting to induce incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity;
- forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or images that depicts a person's nudity or sexual activity;
- knowingly soliciting a minor for sexual activity;
- creating, possessing, or disseminating child pornography or images or recordings of child sexual abuse;
- creating or disseminating synthetic media, including images, videos, or audio representations of individuals doing or saying sexually-related things that never happened, or placing identifiable real people in fictitious pornographic or nude situations without their consent (i.e., Deepfakes); and
- knowingly assisting another person with committing an act of sexual misconduct.

ii. **Interpersonal Violence (under State of Maine Law)**

Interpersonal Violence is any conduct defined as Interpersonal Violence under Maine State law that is does not other-wise constitutes sex-based harassment or sexual exploitation.

This includes:

- **Intimate Partner Violence.** Any of the acts that constitute abuse under [Title 19-A, section 4102](#) that are committed by an individual who is or has been in a social relationship with another individual of an intimate nature regardless of whether the individual were or are sexual partners.
- **Sexual Violence.** Any conduct that constitutes:
 1. Any crime under [Title 17-A, chapter 11](#) (Sexual Assaults);
 2. Unauthorized dissemination of certain private images pursuant to [Title 17-A, section 511-A](#);
 3. Aggravated sex trafficking or sex trafficking pursuant to Title [17-A, section 852 or 853](#) respectively; or
 4. Sexual Harassment as defined in [Title 14, section 6000, subsection 2-A.77](#)
- **Stalking:** any conduct that constitutes the crime of stalking under [Title 17-A, section 210-A](#).

iii. **Physical Assault or Threats of Violence**

Physical Assault is a purposeful action meant to threaten or endanger the health or safety of any person. Examples include, but are not limited to, fighting, pushing,

kicking, punching, hitting with or throwing an object at, or biting. Threats of violence may include extreme verbal, emotional, or psychological abuse, or other conduct which threatens or endangers the health or safety of another person. This behavior is typically treated as a violation of the [Bates Code of Student Conduct](#) and/or the [Employee Handbook](#). When these acts are perpetrated on the basis of actual or perceived membership in a protected class, the report will be resolved using the procedures outlined in this policy.

iv. Hazing

Hazing is any act or action which does or is likely to endanger the mental or physical health or safety of any person as it relates to a person's initiation, admission into, or affiliation with any Bates-recognized group or organization.

For the purposes of this definition:

- It is not necessary that a person's initiation or continued membership is contingent upon participation in the activity, or that the activity was sanctioned or approved by the student group or student organization, for an allegation of hazing to be upheld.
- It shall not constitute an excuse or defense to a hazing allegation that the participants took part voluntarily, gave consent to the conduct, voluntarily assumed the risks or hardship of the activity, or that no injury was suffered or sustained.
- The actions of alumni, active, new, and/or prospective members of a student group or student organization may be considered hazing.

v. Bullying

Bullying is repeated or severe aggressive behavior likely to intimidate or intentionally hurt, control, or diminish another person, physically and/or mentally that is not speech or conduct that is otherwise protected by the First Amendment. It can be written or oral expression, physical acts or gestures, or a combination of the two. It includes, but is not limited to, conduct that:

- physically harms another person;
- damages another person's property;
- creates an intimidating educational or work environment; or
- interferes with the individual's academic or work performance or ability to participate in or benefit from the services, activities, or privileges provided by the college.

Bullying includes cyberbullying -- bullying that occurs through the use of technology or any electronic communication.

vi. Indecent Exposure

A person commits Indecent Exposure if that person intentionally shows their genitals in a public place or in another place where there are other persons present under circumstances in which one knows or should know that this conduct is likely to affront or alarm.

vii. Retaliation

Retaliation is any adverse action against any individual or group of individuals involved in the filing of a report, investigation, and/or resolution of an allegation of discrimination or harassment. This includes because the person has engaged in protected activity, including reporting information, making a Complaint, testifying, assisting, or participating or refusing to participate in any manner in an investigation or resolution process under the Equal Opportunity, Non-Discrimination, and Anti-Harassment Policy, including an Informal Resolution process, or in any other appropriate steps taken by college to promptly and effectively end any discrimination or harassment in its education program or activity, prevent its recurrence, and remedy its effects.

Forms of retaliation include intimidation, threats, coercion or discrimination.

Retaliation can be committed by the college, a student, employee, or a person authorized by the college to provide aid, benefit, or service under the college's education program or activity, not just a Respondent. Retaliatory conduct interferes with the rights or privileges secured by law or policy.

Retaliation is prohibited regardless of whether it occurs on or off campus, in person, or through social media, email, or other forms of communication.

An individual reporting harassment or discrimination is entitled to protection from any form of retaliation following a report that is made in good faith, even if the underlying allegations are later not proven to be a violation of this policy. Individuals acting in good faith to oppose or disrupt conduct that constitutes a violation of this policy are likewise protected from retaliation. Individuals accused of discrimination and harassment are warned that any form of retaliation taken against a person submitting a complaint or participating in an investigation of a complaint will be grounds for disciplinary action, up to and including dismissal from the college.

Any form of retaliation should be reported to the Associate Vice President for Title IX & Civil Rights Compliance/Title IX Coordinator or one of the Deputy Title IX Coordinators immediately. Upon notification, the Title IX Coordinator will investigate this report and take all appropriate and available steps to protect individuals who may be subject to retaliation.

Any attempt to interfere with or circumvent any right or privilege afforded by this policy may be considered retaliatory. Therefore, as directed by the federal regulations, the Title IX Coordinator vets all complaints carefully to ensure that

complaints are routed to the appropriate grievance process and that all appropriate rights and privileges are maintained.

The exercise of rights protected under the First Amendment does not constitute retaliation.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a resolution proceeding under this policy and procedures does not constitute retaliation, provided that the determination of responsibility, by itself, is not sufficient to conclude that any party has made a materially false statement in bad faith.

viii. Unauthorized Disclosure⁹

Per the 2024 federal Title IX regulations, unauthorized disclosure prohibits parties from distributing or otherwise publicizing materials created or produced during an investigation or resolution process except as required by law or as expressly permitted by college; or publicly disclosing institutional work product that contains personally identifiable information without authorization or consent.

ix. Failure to Comply/Process Interference

While parties have the right to choose whether they wish to participate in the resolution process, actions that interfere with the process or do not comply with reasonable directives are subject to discipline. These acts include:

- intentional failure to comply with the reasonable directives of the Title IX Coordinator in the performance of their official duties, including with the terms of a no contact order;
- intentional failure to comply with emergency removal or interim suspension terms;
- intentional failure to comply with sanctions;
- intentional failure to adhere to the terms of an Informal Resolution agreement;
- intentional failure to comply with required reporting duties as defined in this policy;
- intentional interference with the resolution process, including but not limited to:
 - destruction of or concealing of evidence;
 - actual or attempted solicitation of knowingly false testimony or providing false testimony or evidence; and
 - intimidating or bribing a witness or party.

⁹ Nothing in this section restricts the ability of the Parties to: obtain and present evidence, including by speaking to witnesses (as long as it does not constitute retaliation under this Policy), consult with their family members, confidential resources, or Advisors; or otherwise prepare for or participate in the Resolution Process.

D. Prohibited Relationships by Persons in Authority

Sexual, romantic, or other intimate relationships in which one party maintains a direct supervisory or evaluative role over the other party are prohibited. In general, this includes all sexual or other intimate relationships between students and their professors, coaches, advisors, employers, supervisors, or other college employees. Similarly, college employees (faculty and staff) who supervise or otherwise hold positions of authority over others are prohibited from having a sexual or other intimate relationship with an individual under their direct supervision.

The college does not wish to interfere with private choices regarding personal relationships when these relationships do not interfere with the goals and policies of the college. However, faculty, administrators, and others who educate, supervise, evaluate, employ, counsel, coach, or otherwise guide students or other employees should understand the fundamentally asymmetrical nature of the relationship they have with students or subordinates. Intimate or sexual relationships where there is a differential in power or authority produce risks for every member of our community and undermine the professionalism of employees and supervisors. In either context, the unequal position of the parties presents an inherent element of risk and may raise sex-based harassment concerns if one person in the relationship has the actual or apparent authority to supervise, evaluate, counsel, coach or otherwise make decisions or recommendations as to the other person in connection with their employment or education at the college.

Sexual relations between persons occupying asymmetrical positions of power, even when both consent, raise suspicions that the person in authority has violated standards of professional conduct and potentially subject the person in authority to charges of sex-based harassment based on changes in the perspective of the individuals as to the consensual nature of the relationship. Similarly, these relationships may impact third parties based on perceived or actual favoritism or special treatment based on the relationship.

Therefore, persons with direct supervisory or evaluative responsibilities who contemplate beginning or are involved in such relationships are required to promptly: 1) discontinue any supervising role or relationship over the other person; and 2) report the circumstances to their own supervisor. Examples of evaluative responsibilities include, but are not limited to: grading, performance evaluations, salary decisions, decisions regarding promotion and tenure, or decisions on continuation of employment for a person with whom they have a consensual relationship. Failure to fully or timely comply with these requirements is a violation of this policy, and the person in authority could be subject to disciplinary action, up to and including dismissal from employment by the college.

All violations, complaints, or concerns regarding this policy should be reported to the Title IX Coordinator or Human Resources.

E. Other Campus Code Violations

When other potential violations of the [Bates Code of Student Conduct](#) or the [Employee Conduct Policy](#) occur in conjunction with incidents of harassment or discrimination or when the behavior is perpetrated on the basis of bias against a protected class, the college has the discretion to resolve those violations under this policy.

F. Hate Crime and Bias Incidents

The terms **Hate Crime** and **Bias Incident** refer to a range of behaviors that are rooted in intolerance or prejudice based on protected identity characteristics. Since these terms are umbrella terms, incidents will be resolved based upon the actual category of prohibited behavior either listed above (harassment, bullying, etc.) or as defined by the Code of Student or Employee Handbook. Bates reserves the right to address bias incidents that do not rise to the level of a policy violation. Addressing such conduct will not result in the imposition of discipline under this policy, but may include respectful conversation, education and training, remedial and supportive actions, and other informal actions.

i. Hate Crime

Hate Crime refers to the violence of intolerance and prejudice, intended to hurt and intimidate, committed against a person, property, or society that is motivated by an offender's bias against a specific characteristic of an individual or group because of their race, ethnicity, national origin, religion, sex, sexual orientation, gender identity, gender expression, age, physical or mental disability. Hate crimes are criminal offenses that include acts such as physical assault, stalking, cyberstalking, criminal threatening, intimidation, terrorizing, criminal use of explosives, arson, vandalism or other damage to property, reckless conduct, harassment, verbal abuse or insults, or hate mail. Several Maine statutes provide civil and/or criminal remedies for hate crimes. All suspected hate crimes will be referred to the State of Maine Office of the Attorney General for their evaluation, investigation, and/or prosecution.

ii. Bias Incident

Bias Incident refers to any event of intolerance or prejudice, not involving violence or other criminal conduct intended to hurt and intimidate, committed against a person, property, or society that is motivated by an offender's bias against a specific characteristic of an individual or group because of their race, ethnicity, national origin, religion, sex, sexual orientation, gender identity, gender expression, age, physical or mental disability. Examples of bias incidents include hate speech, gay bashing, racist epithets, religious slurs, sexist jokes or cartoons, hate mail, offensive graffiti, or disparaging remarks on social media sites. Such incidents create a socially divisive atmosphere for members of the Bates community targeted and negatively affect the campus climate.

IX. Consent and Related Definitions

- A. Consent
- B. Force
- C. Coercion
- D. Incapacitation
- E. Impact of Alcohol or Other Drugs

When evaluating whether there has been a violation of this policy, a determination of whether consent has been given is often necessary. Proof of consent or non-consent is not a burden placed on any party involved in an incident. Instead, the burden remains on the college to determine whether consent has been given based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evinced.

Consent in relationships must also be considered in context. When parties agree to bondage, discipline/dominance, submission/sadism, masochism, and/or other forms of kink, non-consent may be shown by the use of a safe word which might not be ordinarily understood as a signal of non-consent. Similarly, resistance, force, violence, and even saying “no” may be part of the agreed-upon kink and thus consensual. So, the evaluation of communication in kink situations will be guided by reasonableness, rather than strict adherence to understandings that might assume non-kink relationships as a default.

When evaluating the presence of consent, the following definitions and understandings apply.

A. Consent

Consent consists of an active, conscious, and voluntary decision by each participant to engage in mutually agreed-upon sexual activity.¹⁰ Consent must exist from the beginning to the end of each sexual activity or each form of sexual contact. An individual who is physically incapacitated by alcohol or other drug consumption (voluntary or involuntary) or is asleep, unconscious, unaware, or otherwise physically helpless is considered unable to give consent.

The following are essential elements of consent:

- **Informed and reciprocal**

All parties must demonstrate a clear and mutual understanding of the nature and scope of the act to which they are consenting and a willingness to do the same thing, at the same time, in the same way.

¹⁰ The definition of consent used in this policy incorporates the definition used in criminal proceedings in the State of Maine. See Appendix B for more information regarding Maine state law.

- **Freely and actively given**

Consent cannot be gained by force, coercion, deception, threats; by ignoring or acting in spite of the objections of another; or by taking advantage of the incapacitation of another individual.

- **Mutually understandable**

Consent consists of mutually understandable words and/or actions that indicate an unambiguous willingness to engage freely in sexual activity. In the absence of clear communication or outward demonstration, there is no consent. A person who does not physically resist or verbally refuse sexual activity is not necessarily giving consent. Consent may not be inferred from silence, passivity, lack of resistance or lack of active response. Relying solely upon non-verbal communication can lead to a misunderstanding or false conclusion as to whether consent was sought or given.

If at any time during the sexual activity, an individual is hesitant, confused, uncertain, or is no longer an enthusiastic participant, both parties should stop and clarify verbally the other's willingness to continue before continuing such activity.

- **Not indefinite**

Either party may withdraw consent at any time. Withdrawal of consent may be expressed by "no" or outwardly demonstrated by words or actions that clearly indicate a desire to end sexual activity. Once consent is withdrawn, sexual activity must cease immediately.

All parties must obtain mutually understandable consent before continuing further sexual activity. Recognizing the dynamic nature of sexual activity, individuals choosing to engage in sexual activity must evaluate consent in an ongoing manner and communicate clearly throughout all stages of sexual activity.

- **Not unlimited**

Consent to one form of sexual contact does not constitute consent to all forms of sexual contact, nor does consent to sexual activity with one person constitute consent to activity with any other person. Each participant in a sexual encounter must consent to each form of sexual contact with each participant.

Individuals with a previous or current intimate relationship do not automatically give either initial or continued consent to sexual activity. Even in the context of a relationship, consent must be based on mutually understandable communication that clearly indicates a willingness to engage in sexual activity each time such activity occurs. The mere fact that there has been prior intimacy or sexual activity does not, by itself, imply consent to future acts.

In the State of Maine, consent cannot be given by minors who are 14 or 15, if the actor is at least 5 years older than the minor. Consent cannot be given by minors under 14 years of age,

regardless of the age of the Respondent. For this reason, any sexual act with an individual under 14 is considered a felony.

B. Force

Force is the use or threat of physical violence, intimidation, or coercion to overcome an individual's freedom of will to choose whether or not to participate in sexual activity. Such action would cause a person to fear for their physical or psychological well-being. For the use of force to be demonstrated, there is no requirement that a Complainant resists the sexual advance or request. However, resistance by the Complainant will be viewed as a clear demonstration of non-consent.

C. Coercion

Coercion is the use of unreasonable pressure that compels another individual to initiate or continue sexual activity against their will. Coercion can include a wide range of behaviors, including intimidation, manipulation, implied threats or blackmail which places a person in fear of immediate harm or physical injury or causes a person to engage in unwelcome sexual activity. A person's words or conduct are sufficient to constitute coercion if they wrongfully impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity. Examples of coercion include, but are not limited to:

- threatening to "out" someone based on sexual orientation, gender identity or gender expression;
- persistent attempts to pressure an individual who has clearly stated their desire to stop activity or their unwillingness to engage in a certain sexual act; and
- threatening to harm oneself or others if the other party does not engage in the sexual activity.

Coercing an individual into engaging in sexual activity violates this policy in the same way as physically forcing someone into engaging in sexual activity.

D. Incapacitation

Incapacitation is a state where an individual cannot make an informed and rational decision to engage in sexual activity because they lack conscious knowledge of the nature of the act (e.g., to understand the who, what, when, where, why, or how of the sexual interaction).

Incapacitation is defined as the inability, temporarily or permanently, to give consent because the individual is mentally and/or physically unable to make informed, reasonable judgments. An individual is incapacitated, and therefore unable to give consent, if they are asleep, unconscious, or otherwise unaware that sexual activity is occurring.

Incapacitation may result from the use of alcohol and/or drugs. Incapacitation, however, is determined through a consideration of all relevant indicators of an individual's state and is not synonymous with intoxication, impairment, blackout, and/or being drunk. Consumption of alcohol or other drugs alone is insufficient to establish incapacitation. The impact of alcohol and drugs varies from person to person; however, warning signs that a person may be approaching

incapacitation include slurred speech, vomiting, unsteady gait, odor of alcohol, combativeness, loss of consciousness, or emotional volatility.

Evaluating incapacitation due to the use of substances requires an assessment of how the consumption of alcohol and/or drugs affects an individual's:

- decision-making ability;
- awareness of consequences;
- ability to make informed judgments; or
- capacity to appreciate the nature and the quality of the act.

Evaluating incapacitation also requires an assessment of whether the Respondent should have been aware of the Complainant's incapacitation based on objectively and reasonably apparent indications of impairment when viewed from the perspective of a reasonable person.

An individual who engages in sexual activity with someone the individual knows or reasonably should know is incapable of making a rational, reasonable decision about whether to engage in sexual activity is in violation of this policy.

E. Impact of Alcohol or Other Drugs

In general, sexual contact while under the influence of alcohol or other drugs poses a risk to all parties. Alcohol and drugs impair a person's decision-making capacity, awareness of the consequences, and ability to make informed judgments. It is especially important, therefore, that anyone engaging in sexual activity be aware of their own and the other person's level of intoxication. If there is any doubt as to the level or extent of the other individual's intoxication or impairment, the prudent course of action is to forgo or cease any sexual contact or activity.

Being intoxicated or impaired by drugs or alcohol is never an excuse for any prohibited behavior under this policy and does not diminish one's responsibility for obtaining informed and freely given consent or adhering to the behavioral standards outlined in this policy.

X. Resources

- A. Awareness and Prevention of Bias, Harassment, and Discrimination
- B. Emergency Support and Response Services
- C. Medical Resources
- D. Confidential Support
 - i. On Campus Confidential Support (Confidential Employees)
 - ii. Off Campus Confidential Support
- E. Private Resources and Reporting Options
 - i. On Campus Reporting Options
 - ii. Off Campus Reporting Options
- F. Additional Community Resources

Bates is committed to treating all members of the community with dignity, care, and respect. Any Bates community member who experiences or is affected by bias, discrimination, harassment, including racism, homophobia, transphobia, sex-based harassment, sexual violence, stalking or intimate partner violence, whether as a Complainant, a Respondent, or a third party, will have equal access to support and counseling services through the college.¹¹ Supportive measures as described below and in Section XII are available to all parties. A formal complaint is not required to access this support.

The college recognizes that deciding whether to make a report, either to the college or law enforcement, and choosing how to proceed can be difficult decisions. The college encourages all individuals affected by any form of harassment or discrimination to seek the support of campus and community resources. These professionals can provide guidance in making decisions, information about available resources and procedural options, and assistance to any party in the event that a complaint and/or resolution under this policy is pursued. Individuals are encouraged to use all available resources on and off campus, regardless of when or where the incident occurred.

Bates is committed to providing a comprehensive and integrated prevention, education, and awareness program that attends to the multifaceted dynamics of bias, discrimination, and harassment. The college strives to create a non-discriminatory and harassment-free living, learning, and working environment for all members of the Bates community, including students, staff, faculty, and visitors. The Vice President for Equity and Inclusion (VPEI) coordinates all college equity and inclusion education and prevention programs and develops initiatives to respond to campus needs and climate. The Associate Vice President for Title IX & Civil Rights Compliance/Title IX Coordinator (Title IX Coordinator) collaborates with the VPEI, particularly in regard to education, prevention programming, and other initiatives related to sex-based harassment and discrimination.

A. Awareness and Prevention of Bias, Discrimination, and Harassment

All incoming students and new employees will receive primary prevention and awareness programming as part of their orientation. Returning students and employees will receive ongoing training and education on an annual basis.

Educational, developmental, and responsive programs that address bias, racism, homophobia and other areas of discrimination based on identity are facilitated by the Office of Equity and Inclusion, the Office of Intercultural Education, and Student Affairs. The VPEI oversees the assessment of community and individual needs generally and works with the Office of Title IX & Civil Rights Compliance and others across campus to identify appropriate action and response.

Educational programs focused on sex-based harassment include an overview of the college's policies and procedures, employee reporting responsibilities, relevant definitions of prohibited conduct, discussion of the impact of alcohol and illegal drug use, effective consent, safe and positive options for bystander intervention, and information about risk reduction. The Title IX

¹¹ Hereafter in this section the umbrella terms "discrimination" and "harassment" will be used to capture all of these categories.

Coordinator oversees the education and prevention calendar and tailors programming to campus needs and climate. All educational programs include a review of resources and reporting options available for students, faculty, and staff.

B. Emergency Support and Response Services

Bates encourages all community members to seek assistance from a medical provider and/or law enforcement as soon as possible after an incident of violence, including sexual violence. This often is the best option to provide immediate physical safety, emotional support, and medical care. It also may help to ensure preservation of evidence and to begin a timely investigative and remedial response. The college will escort any Bates community member to a safe place, provide transportation to the hospital, assist in coordination with law enforcement, and provide information about the college's resources and reporting processes.

Assistance is available from Bates Campus Safety and local law enforcement 24 hours a day, year-round, by calling Bates Campus Safety and/or the Lewiston Police Department. Any individual can request that a member of Bates Campus Safety and/or Lewiston Police Department respond and take a report. An officer from the Lewiston Police Department can meet with a student or employee on campus at whatever location they are most comfortable. Bates Campus Safety will provide transportation upon request to a medical center or the police department.

More detailed information about filing a criminal complaint can be found on the [Bates Here to Help webpage](#).

Contact Information for Emergency Response Services

911

Bates Campus Safety

207-786-6111 (emergency) or 207-786-6254 (non-emergency)

Lewiston Police Department

207-784-6421

C. Medical Resources

A medical provider can provide emergency and/or follow-up medical services. The medical exam has two goals: first, to diagnose and treat the full extent of any injury or physical effects caused by the incident and second, to properly collect and preserve evidence.

In cases of sexual violence, the forensic exam may include testing and prophylactic treatment for HIV/AIDS, STIs, and pregnancy; a thorough physical examination, which includes the genital and/or anal area; and a blood draw. There is a limited window of time (typically 72-96 hours) following an incident of sexual assault to preserve physical and other forms of evidence. Taking the step to gather evidence immediately does not commit an individual to any particular course of action. The decision to seek timely medical attention and gather any evidence, however, will

preserve the full range of options to seek resolution under this policy or through the pursuit of criminal prosecution. Filing a report with local law enforcement is not required to get a forensic exam. More detailed information regarding Sexual Assault Forensic Exams can be found on the [Bates Here to Help webpage](#). Individuals seeking medical care may be eligible for assistance with the costs associated with that care through the [Victim's Compensation Fund](#).

On campus, [Bates Health Services \(BHS\)](#) can provide medical care to students during regular business hours. While a nurse is available to talk with anyone who has questions about forensic examinations, BHS is not equipped to perform forensic examinations. The Complainant has the option -- and is encouraged -- to go to [Central Maine Medical Center \(CMMC\)](#) for care and to have evidence collected. CMMC provides forensic exams and is the preferred local medical center for those seeking sexual assault forensic examinations. Bates Campus Safety will provide transportation upon request to CMMC.

[Lewiston Family Planning](#) can also provide routine and on-going medical care. As part of the Maine Family Planning network, this clinic provides specialized care for sexual and reproductive health to individuals of all genders. Lewiston Family Planning employs providers who specialize in transgender health services as well.

Individuals seeking medical care may request that Bates Campus Safety transport them to a medical center. The [Bates Confidential Resource Advisor \(CRA\)](#) or an advocate from [Sexual Assault Prevention and Response Services \(SAPARS\)](#) is available to accompany individuals to access off-campus resources.

Conversations with health care professionals are confidential and governed by [Health Insurance Portability and Accountability Act \(HIPAA\)](#).

Contact Information for Medical Services

[Bates Health Services](#)

31 Campus Avenue | 207-786-6199 | healthservices@bates.edu

9 am-5 pm Monday-Friday during academic year

Treatment of injuries, emergency contraception, and STI testing and treatment.

[Central Maine Medical Center \(CMMC\)](#)

300 Main Street, Lewiston | 207-795-2200

24-hour Emergency Department

Treatment of injuries, emergency contraception, and STI testing and treatment. Sexual Assault Forensic Examiners are available to provide forensic exams and collect physical evidence for future use.

[Lewiston Family Planning](#)

179 Lisbon Street, Lewiston | 207-795-4007

Limited hours Monday, Wednesday, Thursday, and Friday

Provide specialized care for sexual and reproductive health to individuals of all genders, including transgender health services.

D. Confidential Support

While Bates encourages all community members to make a prompt report of any incident of bias, harassment, or discrimination, including racism, homophobia, transphobia, and sex-based harassment or violence, to the college or local law enforcement, the college understands that deciding whether or not to file a report can be difficult. For individuals who are not prepared to make a report, or who may be unsure what happened, but are still seeking information and support, there are several confidential resources on campus and in the local community, including counseling and support services.

Individuals affected by any type of discrimination or harassment may want to consult with someone in a confidential manner without making a report to the college or filing an official complaint. The trained professionals listed in this section are designated as confidential and may not share information about a patient/client (including whether or not that individual has received services) without the individual's expressed consent unless there is imminent danger to the patient/client or other community members, or as otherwise required by law. They may, however, submit non-identifying information about the incident for the purposes of making a statistical report under the Clery Act, as described in Section V.

i. On Campus Confidential Support (Confidential Employees)

Bates Counseling and Psychological Services

31 Campus Avenue | 207-786-6200 | caps@bates.edu

Provides comprehensive mental health care, including both crisis and therapeutic counseling for students.

Bates Health Services

Licensed health care providers and Brenna Callahan, Associate Director of Health Services for Student Support

31 Campus Ave | (207) 786-6199 | healthservices@bates.edu

Provide medical services. Assoc. Director can answer any questions related to accessing medical care, resources on campus, care coordination, health insurance, and managing your medical needs as a college student.

Bates Ombuds Program

Provides assistance to staff and faculty seeking appropriate paths to resolving workplace concerns, including a review of options for informal resolutions. *Please note while Ombuds are confidential under college policies, they do not have legal privilege and, therefore, may be required to disclose information shared with them in civil or criminal legal proceedings.

Confidential Resource Advisor (CRA) [previously known as Sexual Assault Victim Advocate (SAVA)]

Andrew Shepard

Chase Hall, Room 001C | 207-753-6996 | cra@bates.edu

Provides information, advocacy, and support to anyone affected by harassment, discrimination, interpersonal violence, sex-based harassment, sexual violence, or stalking. Can assist with navigating local medical and legal systems and provide guidance on safety planning. See Appendix D for more information about the CRA.

Multifaith Chaplaincy

Brittany Longsdorf and Raymond Clouthier

163 Wood Street, 2nd Floor | 207-786-8272 | blongsdo@bates.edu and rclouthier@bates.edu

Provides individualized emotional and spiritual support through pastoral care and conversation.

Office of Intercultural Education

Dri Huber, Assistant Dean and Director of First Generation Programs, Office of Intercultural Education

Chase Hall, Room 151 | 207-755-5981 | ahuber@bates.edu

Provides individualized support and assistance to students who have experienced discrimination and/or harassment and are seeking information regarding resources and resolution options. *Please note while Dean Huber is confidential under college policies, they do not have legal privilege and, therefore, may be required to disclose information shared with them in civil or criminal legal proceedings.

Sports Medicine Staff

Team physicians and Certified Athletic Trainers

Athletic Training Rooms, Merrill Gym, Alumni Gym, and Underhill Arena

For contact information, please see: <https://gobatesbobcats.com/>.

Provides comprehensive sports medicine health care, referrals to other providers and to support resources.

ii. Off Campus Confidential Support

STATE AND LOCAL SERVICES

Employee Assistance Program (EAP) -- Aetna Resources for Living

www.resourcesforliving.com | 888-238-6232 | User ID: 4bates; ID = bwell

Provides free, confidential counseling services to Bates employees to help address a variety of personal issues. Staffed 24/7 by qualified mental health professionals available to listen to concerns and make referrals to a local provider for in person counseling or to resources in your community.

Immigrant Resource Center of Maine

265 Lisbon Street, Suite 2, Lewiston | 207-753-0061 | www.ircofmaine.org

Provides culturally and linguistically sensitive services to the refugee and New Mainer communities, including interpreter services; domestic violence, sexual assault, and trafficking support and advocacy; and system advocacy.

Maine Coalition Against Sexual Assault

24-hour hotline: 800-871-7741 | mecasa.org

Statewide coalition of sexual assault victim service providers. Access to advocates via hotline or online chat or text.

Maine Coalition to End Domestic Violence

24-hour hotline: 866-834-HELP | www.mcedv.org

A confidential statewide hotline for survivors of domestic abuse and violence staffed by trained professionals and volunteers.

Safe Voices (Domestic Violence)

24-hour helpline: 800-559-2927 | safevoices.org

A confidential domestic violence helpline staffed by trained, caring and confidential advocates. Provides individual support, legal advocacy, support groups, and shelter for survivors of domestic abuse. Located in Lewiston.

Sexual Assault Prevention and Response Services (SAPARS)

24-hour helpline: 800-871-7741 | www.sapars.org

A confidential sexual assault helpline staffed by trained, caring and confidential advocates. An advocate can meet with an individual at the Bates Health Services or other campus location, escort or meet an individual at the hospital, assist someone filing a police report, or help navigate the legal system. Located in Lewiston.

Tri-County Mental Health Services

24-hour crisis line: 888-568-1112 | 888-344-4673 | www.tcmhs.org

Local, confidential mental health care from licensed professionals. Providing trauma-informed, integrated services that promote whole health and wellness.

Wabanaki Women's Coalition

www.wabanakiwomenscoalition.org

Provides contact and services information for domestic violence, sexual assault and sex trafficking advocacy organizations for all five Wabanaki tribes.

NATIONAL HELPLINES

1in6

1in6.org/men/get-help

A free and anonymous 24-hour online helpline for male-identified people who've experienced sexual abuse or assault and for those who care about them.

FORGE

forge-forward.org

Online resources for transgender and gender non-conforming survivors of violence and their allies, including assistance with referrals to local therapists who specialize in working with transgender individuals.

National Domestic Violence Hotline

24-hour helpline: 800-799-7233 | www.thehotline.org

A confidential domestic violence hotline staffed by highly-trained advocates available to talk confidentially with anyone experiencing domestic violence, seeking resources or information, or questioning unhealthy aspects of their relationship.

Rape, Abuse, Incest National Network (RAINN)

24-hour helpline: 800-656-4673 | www.rainn.org

The nation's largest anti-sexual violence organization. Free, confidential support via its national sexual assault hotline. Advocates are available via hotline or the chat function on their website.

The Stalking Prevention, Awareness, and Resource Center (SPARC)

www.stalkingawareness.org

Provides online resources to victims of stalking, including information about how to connect to victim services and safety planning.

E. Private Resources and Reporting Options

i. On Campus Reporting Options

In addition to the confidential resources listed above, Bates community members have access to a variety of private resources provided by the college. The individuals listed below can a) provide information regarding the college's policies and procedures; b) assist in accessing other support services; and c) help arrange for supportive measures or other remedies. While not bound by confidentiality, these resources will maintain the privacy of an individual's information within the limited circle of those who need to know to assist with providing support services or resolving a report.

The professionals listed below are trained to support individuals affected by bias, discrimination, and harassment based on any measure of identity, including racism, homophobia, sex-based harassment, and sexual violence, and to coordinate with the Title IX Coordinator consistent with the college's commitment to a safe and healthy educational and work environment. Title IX Team members have additional robust training in supporting those individuals reporting sexual harassment, including sexual

assault, stalking, and domestic and dating violence; Bias Response Team Members are particularly attuned to issues of racism, homophobia, and bias based upon other protected classes.

TITLE IX TEAM

Director of Title IX & Civil Rights Compliance/Title IX Coordinator, Gwen Lexow
Lane Hall 202-A | 207-786-6445 | glexow@bates.edu

Interim Deputy Title IX Coordinator for Athletics, Alison Montgomery
Head Women's Basketball Coach
Alumni Gym, Room 10 | 207-786-6362 | amontgom@bates.edu

Deputy Title IX Coordinator for Faculty, Don Dearborn
Associate Dean of Faculty and Professor of Biology
Lane Hall 120 | 207-786-6107 | ddearbor@bates.edu

Deputy Title IX Coordinators for Staff and Visitors

Lauren Danie-Briggs, Director of Employee Experience
220 College Street | 207-786-6433 | ldaniebriggs@bates.edu

Patty Rooney, Assistant Vice President for Human Resources
215 College Street | 207-753-6935 | prooney@bates.edu

Deputy Title IX Coordinator for Students, Andee Bucciarelli
Associate Director of Residence Life for Health Education
Chase Hall, Room 001E | 207-786-6215 | abucciar@bates.edu

BIAS RESPONSE TEAM

Associate Vice President for Title IX & Civil Rights Compliance, Gwen Lexow
Lane Hall 202-A | 207-786-6445 | glexow@bates.edu

Vice President for Equity and Inclusion, Leana Amaez
Lane Hall 201 | 207-786-6031 | lamaez@bates.edu

Multifaith Chaplain, Brittany Longsdorf
163 Wood Street, 2nd Floor | 207-786-8272 | blongsdo@bates.edu

Interim Vice President for Campus Life and Dean of Students, Erin Foster Zsiga
Chase Hall, Room 007A | 207-786-6220 | efoster@bates.edu

ADDITIONAL ON CAMPUS REPORTING OPTIONS

Bates Campus Safety

Open 24 hours a day, 7 days a week

245 College Street | 207-786-6254

Emergency: 207-786-6111

Residence Life Professional and Student Staff

In houses and residence halls

ii. Off Campus Reporting Options

Reports concerning the application of this policy may also be directed to the following government agencies:

Maine Human Rights Commission

#51 State House Station, 19 Union Street, Augusta, ME 04333

207-624-6290 | TTY: Maine Relay 711 | Request@mhrc.maine.gov

www.maine.gov/mhrc/

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

400 Maryland Avenue, SW, Washington, DC 20202-1100

800-421-3481 | TTY: 800-877-8339 | OCR@ed.gov

www.ed.gov/ocr

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

5 Post Office Square, 8th Floor, Boston, MA 02109-3921

617-289-0111 | ocr.boston@ed.gov

Employees may also contact:

United States Equal Employment Opportunity Commission

131 M Street, NE, Washington, DC 20507

800-669-4000 | TTY: 800-669-6820 | ASL Video: 844-234-5122 | info@eEOC.gov

www.eEOC.org

United States Equal Employment Opportunity Commission -- Boston Office

JFK Federal Building, 15 New Sudbury Street, Room 475, Boston, MA 02203-0506

800-669-4000 | TTY: 800-669-6820 | ASL Video: 844-234-5122

F. Additional Community Resources

Students, faculty, and staff members may also access additional off campus resources for assistance in working with the civil or criminal justice system. Off-campus resources will not notify the college of their report without the Complainant's consent.

American Civil Liberties Union -- Maine

207-774-5444 | aclumaine.org

Maine affiliate of the national civil liberties organization. Provides information, advocacy, and legal representation for those seeking to understand or secure their civil rights. Priority issues include criminal justice reform, reproductive freedom, racial justice, immigrants' rights, LGBTQ rights, women's rights, voting rights, freedom of expression, freedom of speech and religion, and privacy.

Androscoggin County District Attorney

Androscoggin County Courthouse, 2 Turner Street, Auburn | 207-783-7311
www.androscoggincountymaine.gov/DA/DA.htm

Responsible for the prosecution of criminal complaints in Androscoggin County.

Maine Crime Victims' Compensation Program

Office of the Attorney General, 6 State House Station, Augusta
207-624-7882 | 800-903-7882 | www.maine.gov/ag/crime/victims_compensation/
State program offering financial assistance for victims of violent crimes occurring in Maine, including paying cost for sexual assault forensic examination.

XI. Reporting

- A. Key Reporting Definitions
 - i. Report
 - ii. Complaint
- B. Reporting to and Coordination with Law Enforcement
- C. Campus Reporting Options
- D. Anonymous Reporting
- E. Reporting Considerations
 - i. Timeliness of Report
 - ii. Location of Incident
- F. Amnesty
- G. False Allegations and Evidence
- H. Counterclaims
- I. Reports Involving Minors or Suspected Child Abuse
- J. Reluctance by Complainant to Pursue Resolution
- K. Withdrawal of Complaint

The college is committed to providing a variety of accessible means of reporting any form of bias, discrimination, or harassment, including racism, homophobia, transphobia, sex-based harassment, or sexual violence and other sexual misconduct.¹² Our goals are to reduce barriers to reporting and to simplify the reporting process as much as possible. By providing a variety of

¹² Throughout the remainder of this section, the terms “harassment” and “discrimination” are used as umbrella term to capture all forms of bias, harassment, and discrimination, including those specifically named here.

reporting options, individuals wishing to report an incident can use whatever reporting mechanism that is most comfortable and convenient for them. All Bates community members, even those who are not obligated by the college's policy, are strongly encouraged to report information regarding any incident of bias, discrimination, or harassment to the Associate Vice President for Title IX and Civil Rights Compliance/Title IX Coordinator (hereafter "Title IX Coordinator"), who is specifically charged with coordinating the initial assessment, investigation, and response to such allegations.

At the time a report is made, a Complainant does not have to decide whether or not to request a formal resolution process. Choosing to make a report and deciding how to proceed after making the report can be a process that occurs over time. To the fullest extent possible, the college will respect an individual's autonomy in making these decisions and provide support that will assist each individual in making that determination.

Whenever possible the Title IX Coordinator will defer to the wishes of the Complainant. In the rare situations where the college must act to provide for the safety of the community and/or take action to fulfill its obligation to foster a harassment-free working and learning environment, the Title IX Coordinator will communicate this decision with the Complainant.

Any individual who reports discrimination or harassment can be assured that all reports will be investigated and resolved in a fair and impartial manner. All individuals involved can expect to be treated with dignity and respect. In every report under this policy, the college will make an immediate assessment of any risk of harm to the Complainant or to the broader campus community and will take steps necessary to address those risks. These steps may include temporary protective measures to provide for the safety of the Complainant or others involved and the campus community as necessary. In this process, the college will balance the Complainant's interests with its obligation to provide a safe and non-discriminatory environment for all members of the college community.

A. Key Reporting Definitions

While many individuals conflate the terms "report" and "complaint", these terms have very specific meanings under this policy.

i. Report

Report is an umbrella term used to indicate a Complainant or third-party has shared allegations of bias, harassment, discrimination, or retaliation by either informing any Bates employee with reporting responsibilities in conversation or writing, via phone (including leaving a voicemail message) or electronic means (email, text, chat, etc.) or by using the online anonymous reporting system.

Employees with reporting responsibilities are required to share any information of which they become aware with the Title IX Coordinator. For more information on employees who are required to report disclosures of prohibited behavior under this policy and the information they must share, please see Section V. E.

Reports differ from formal complaints (see below) and individuals who submit reports are under no obligation to initiate a complaint or to pursue any further action. Except in rare circumstances involving a compelling threat to the health and/or safety of the Complainant or the broader Bates community, the Complainant maintains significant influence on how the resolution process proceeds. Making a report simply initiates outreach from the Title IX Coordinator and allows them to offer supportive measures and further information regarding the Complainant's rights under this policy.

ii. Complaint

A complaint provides notice to the college that the Complainant would like to initiate an investigation or other appropriate resolution procedures. A complaint may be filed with the Title IX Coordinator or a Deputy Coordinator via phone (including leaving a voicemail message) or electronic means (email, text, chat, etc.) or by using the online anonymous reporting system. The complaint can be made at anytime.

B. Reporting to and Coordination with Law Enforcement

The college encourages individuals to pursue criminal action for incidents of discrimination or harassment that may also be crimes under federal or Maine criminal statutes. The college will assist a Complainant, at the Complainant's request, in contacting local law enforcement and will cooperate with law enforcement agencies if a Complainant decides to pursue the criminal process to the extent permitted by law. Except where the Complainant is less than 18 years old, the college will respect a Complainant's choice whether or not to report an incident to local law enforcement, unless the college determines that there is an overriding issue with respect to the safety or welfare of the college community. When a report involves suspected abuse of a minor under the age of 18, the college is required by state law to notify the Maine Office of Child and Family Services and/or the Maine District Attorney's office.

The college's policy, definitions, and standard of proof can differ from Maine criminal law.¹³ A Complainant may seek resolution through the college's resolution process, may pursue criminal action, may choose one but not the other, or may choose both. Neither law enforcement's decision whether or not to prosecute a Respondent nor the outcome of any criminal prosecution are determinative of whether discrimination or harassment has occurred under this policy. Proceedings under the college's Equal Opportunity, Non-Discrimination, and Anti-Harassment Policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus. Individuals seeking assistance under Bates's policy are not required to file a criminal complaint.

At the request of local law enforcement, the college may agree to defer for a short time its own fact gathering until after the initial stages of a criminal investigation. The college will nevertheless communicate with the Complainant regarding rights under this policy, procedural options, and the implementation of supportive measures to foster their safety and well-being.

¹³ See Appendix B for key definitions in the State of Maine statutes.

The college will promptly resume its own fact gathering as soon as it is informed that law enforcement has completed its initial investigation.

Individuals wishing to file a criminal complaint for incidents of discrimination or harassment that occurred on campus may contact the Lewiston Police Department directly. Individuals may also contact the Title IX Coordinator, the Confidential Resource Advisor, Bates Campus Safety, Sexual Assault Prevention & Response Services, or Safe Voices for assistance with filing a criminal complaint.

Lewiston Police Department

911 | 207-784-6421 (non-emergency dispatch) | 171 Park Street, Lewiston

Maine State Police

911 | 207-624-7076 | www.maine.gov/dps/msp/

Federal Bureau of Investigation

(857) 386-2000 | www.fbi.gov/contact-us/field-offices/boston

C. Campus Reporting Options

The college encourages all individuals to report all forms of bias, discrimination, and harassment to the Associate Vice President for Title IX & Civil Rights Compliance/Title IX Coordinator, any member of the Title IX Team, or Campus Safety. These professionals are trained to support individuals affected by bias, discrimination, and harassment based on any measure of identity, including racism, anti-semitism, homophobia, transphobia, sex-based harassment, and sexual violence, and to coordinate with the Title IX Coordinator consistent with the college's commitment to a safe and healthy educational and work environment. Title IX Team members have additional robust training in supporting those individuals reporting sexual harassment, including sexual assault, stalking, and domestic and dating violence; Bias Response Team Members are particularly attuned to issues of racism, anti-semitism, homophobia, transphobia, and bias based upon other protected classes.

Reports can be made in-person, via telephone, mail, or email, or using the online anonymous reporting system. Upon receipt of any report, including third-party reports, Title IX Coordinator, or their designee, will contact the Complainant to offer supportive measures and to provide information on resolution procedures and how to file a complaint.

Complainants should be aware that with the exception of those employees who have legally recognized confidentiality or who are listed as Confidential Support Resources in Section X of this policy, all college employees with responsibility for the welfare of students and all supervisors, including faculty, coaches, administrators, and residence life staff, are required to share with the Title IX Coordinator any report of discrimination or harassment, including reports of sexual assault, domestic or dating violence, and stalking, they receive or of which they become aware. Student employees who have responsibility for the welfare of other students, such as Junior Advisors, Community Advisors, and Residence Life Team Leaders, are also

required to report to the Title IX Coordinator any incident of which they become aware. More information on the reporting responsibilities of employees can be found in Section V of this policy.

Reports made to the Title IX Coordinator or any member of the Title IX Team constitute notice to the institution and will initiate outreach from the Title IX Coordinator or their designee.

See Section IV.E for Title IX Team contact information.

D. Anonymous Reporting

Any individual may make an anonymous report of behaviors prohibited by this policy. In doing so, an individual may report the incident:

- without disclosing their own name;
- without identifying the Respondent; and/or
- while requesting that no action be taken.

Depending on the extent of information available about the incident and the individuals involved, however, the college's ability to respond to an anonymous report may be limited. Wherever possible, the college will take action to stop any harassing or discriminatory behavior, to prevent its recurrence, and to provide supportive measures and/or remedies to those who have been negatively affected.

The college's anonymous reporting system is hosted by a third-party provider, [EthicsPoint](#). This service allows the college to communicate with the person making the report, while maintaining their anonymity. EthicsPoint stores all information regarding these reports on their secure servers. Information collected by EthicsPoint is subject to their data security and [privacy policies](#).

The Title IX Coordinator will receive the information contained in the anonymous report and will determine any appropriate response or action, including individual or community remedies as appropriate. In consultation with the Director of Campus Safety, the Title IX Coordinator will determine if the anonymous report provides sufficient information to submit a Clery crime report.

To report anonymously online: bates.ethicspoint.com

To report anonymously by phone: 844-251-1879

EthicsPoint is NOT a 911 or Emergency Service: If you require immediate or emergency assistance, please contact the Bates Campus Safety at 207-786-6111 or dial 911.

E. Reporting Considerations

i. Timeliness of Report

All community members are encouraged to report harassment and discrimination as soon as possible in order to maximize the college's ability to respond promptly and

effectively. The college does not, however, limit the time frame for reporting. If the Respondent is no longer a student or employee or is not a member of the Bates community, the college may not be able to take disciplinary action against the Respondent; but the college will take all reasonable steps to provide support to the Complainant and to end the harassment, prevent its recurrence, and address its effects.

Acting on complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the Title IX Coordinator's discretion; they may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

ii. Location of Incident

An incident does not have to occur on campus to be reported to the college. All college community members are responsible for their actions and behavior, whether the conduct in question occurs on campus or in another location. Members of the college community have a responsibility to adhere to college policies and local, state, and federal law. As a result, this policy applies both to on-campus and off-campus conduct as described in Sections II and III. In particular, off-campus conduct that is likely to have a substantial adverse effect on any member of the college community or Bates College may be addressed under this policy.

F. Amnesty

College seeks to remove any barriers to reporting misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to report to college officials or participate in resolution processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons.

It is in the best interests of the college community that Complainants report misconduct to college officials, that witnesses come forward to share what they know, and that all Parties be forthcoming during the process.

To encourage reporting and participation in the process, college offers student Parties and witnesses amnesty from minor policy violations, such as underage alcohol consumption or the use of illicit drugs, related to the incident. Employees may also be granted amnesty for minor policy violations. Granting amnesty is a discretionary decision made by the college, and amnesty does not apply to more serious allegations, such as physical abuse of another or illicit drug distribution.

G. False Allegations and Evidence

The college takes the accuracy of information very seriously, as an accusation of racism, homophobia, sexual harassment, sexual violence, stalking, or dating or domestic violence, or other harassment or discrimination, may have severe consequences. Knowingly making a false report or complaint under this policy, or knowingly providing false or intentionally misleading information during an investigation, may result in disciplinary action up to and including dismissal from the college or termination of employment. A good faith complaint that results in a determination that the evidence is not sufficient to support a formal charge or to constitute a violation of this policy is not considered to be a false report.

It is a violation of the Student Code of Conduct and the Employee Handbook to make an intentionally false report of any college policy violation or to obstruct college disciplinary procedures. Filing a false report may also violate state criminal statutes and civil defamation laws.

H. Counterclaims

The college is obligated to ensure that the grievance process is not abused for retaliatory purposes. This policy permits the filing of counterclaims but uses an initial assessment, described in Section XIII, to assess whether the allegations in the counterclaim are made in good faith. Counterclaims determined to have been reported in good faith will be resolved using the resolution procedures outlined in this policy. Counterclaims made in bad faith or with retaliatory intent will be dismissed.

Counterclaims may be resolved through the same investigation and/or hearing as the underlying allegation or may take place after resolution of the underlying initial allegation at the discretion of the Title IX Coordinator. As with initial complaints, any good faith counterclaim that results in a determination that the evidence is not sufficient to constitute a violation of this policy is not considered to be a false report.

When counterclaims are not made in good faith, they will be considered a false report and may constitute a violation of the college's retaliation prohibition as well. As a result, any individual filing a counterclaim in bad faith may be subject to disciplinary action up to and including dismissal from the college or termination of employment. At the Title IX Coordinator's discretion, investigation of such claims may take place concurrently or after resolution of the underlying initial Complaint.

I. Reports Involving Minors or Suspected Child Abuse

When a report involves suspected abuse of a minor under the age of 18, the college is required by state law to notify the Maine Office of Child and Family Services and/or the District Attorney's office. This requirement extends to resources designated as confidential by the college, including staff and counselors at Bates Health Services and Bates Counseling and

Psychological Services, ordained Multifaith Chaplains, Ombuds, and the Confidential Resource Advisor.

J. Reluctance by Complainant to Pursue Resolution

If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a complaint to be pursued, they may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with state or federal law.

In cases in which the Complainant requests confidentiality or no formal action and the circumstances allow the Title IX Coordinator to honor that request, the Title IX Coordinator will offer administrative resolution options and supportive measures to the Complainant and the community, but will not otherwise pursue the formal resolution process.

If the Complainant elects to take no action, they can change that decision if they decide to pursue a complaint at a later date. Upon making a complaint, a Complainant has the right, and can expect, to have allegations taken seriously and to have the allegations investigated and properly resolved through these procedures. Delays in proceeding with the formal resolution process may cause limitations on access to evidence, or present issues with respect to the status of the parties.

The Title IX Coordinator has ultimate discretion over whether the college proceeds when the Complainant does not wish to do so, and the Title IX Coordinator may initiate a formal resolution process upon completion of an appropriate initial assessment. A formal resolution process will result from any violence risk assessment that shows a compelling risk to health and/or safety that requires the college to pursue formal action to protect the community. A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence. The college may also be compelled to act on alleged employee misconduct irrespective of a Complainant's wishes.

When the Title IX Coordinator initiates the formal resolution process, they do not become the Complainant. The Complainant remains the individual who is alleged to be the victim of conduct that could constitute a violation of this policy and that individual may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this policy irrespective of their level of participation.

The college's ability to remedy and respond to notice may be limited if the Complainant wishes to maintain anonymity or does not want to proceed with an investigation and/or resolution process.

K. Withdrawal of Complaint

The Complainant may withdraw a formal complaint prior to the completion of the resolution options described in this policy. Withdrawal of the complaint will, in most circumstances, end

any investigation or process taking place under this policy. The college reserves the right to move forward with a complaint, even after the Complainant withdraws it, in order to protect the interests and safety of the college community. A Complainant who wishes to withdraw their complaint should discuss the matter with the Title IX Coordinator who will assist them.

XII. Supportive Measures and Protective Actions

- A. Range of Supportive Measures
- B. Emergency Removal and Administrative Leave
- C. Court-Issued Protection or Restraining Orders

Upon receipt of any notice of alleged bias, harassment, discrimination, or retaliation, including racism, transphobia, homophobia, and sexual violence, the college will offer and implement reasonable and appropriate supportive measures designed to mitigate the effects of the alleged behavior and protect the parties involved.¹⁴ These non-disciplinary and non-punitive measures will be determined on a case-by-case basis and will be offered without charge upon notice to the college. The goal of these measures is to: a) restore or preserve the party's access to the college's education program or activity; b) protect the safety of all parties or the Bates community; and c) deter any further harassment, discrimination, or retaliation. At the time that supportive measures are offered, if a Complaint has not been filed, the college will inform the Complainant, in writing, that they may file a Complaint with the college either at that time or in the future. The college will make every effort to communicate with the Complainant to ensure that all safety and emotional and physical well-being concerns are being addressed and that their wishes are considered with respect to which measures are implemented. Supportive and safety measures are available irregardless of whether a formal complaint is filed or Formal Resolution under this policy is sought by the Complainant.

The Associate Vice President for Title IX & Civil Rights Compliance/Title IX Coordinator (hereafter "Title IX Coordinator"), who oversees the implementation of supportive measures, will maintain the privacy of parties to the fullest extent possible and will limit the sharing of information regarding these measures only to those who "need to know" and to only the limited information needed to provide these measures. In implementing supportive measures, the college will work to minimize the academic impact on the parties while still attending to student needs. In all cases, the Title IX Coordinator will implement these measures in ways that do not unreasonably burden any party.

The college may choose to impose safety measures, such as a campus No Contact Order, at its discretion to ensure the safety of all parties, the safety of the broader college community, and/or

¹⁴ Throughout the remainder of this section, the terms "harassment" and "discrimination" are used as umbrella terms to capture all forms of bias, harassment, and discrimination, including those specifically named here.

the integrity of the resolution process. All individuals are encouraged to report concerns about failure of another individual to abide by any restrictions imposed by a safety measure. The college will take immediate and responsive action to enforce a previously implemented measure.

A. Range of Supportive Measures

Supportive measures may be applied to any party and include, but are not limited to:

- Assistance with medical or therapeutic care:
 - Providing access to counseling, medical, or other healthcare services;
 - Assistance in setting up initial appointments;
- Assistance to accessing confidential services:
 - Providing a referral to the Employee Assistance Program;
 - Providing a referral and assistance setting up an appointment with on campus confidential resources;
 - Assistance with access to off campus resources (Save Voices, Immigrant Resource Center, Sexual Assault Prevention and Response Services, employee Assistance Program, etc.);
- Assistance with academic needs (in conjunction with faculty, as necessary):
 - Rescheduling of exams and assignments;
 - Providing alternative course completion options;
 - Changing a class schedule, including the ability to take deferral, drop a course without penalty, or transfer sections;
 - Providing academic support services, such as tutoring;
 - Assisting with voluntary withdrawals or leaves of absence;
- Assistance with personal safety:
 - Imposing a No Contact Order between parties;
 - Issuing No Trespass Orders;
 - Providing an escort to ensure safe movement between classes and activities;
 - Assisting with transportation needs;
 - Increased security or monitoring of certain areas of campus;
 - Issuing Timely Warnings;
 - Assisting with safety planning;
- Assistance with housing and dining:
 - Changing an on-campus housing assignment;
 - Providing assistance from college support staff in completing housing relocation;
 - Individualized assistance with accessing dining services;
- Changing a work schedule or job assignment;
- Delivering training or education to the community, organization, group, or individual;
- Facilitating a voluntary leave of absence;
- Financial Aid counseling;
- Visa or immigration status assistance; and

- Any other remedy that can be tailored to the involved individuals (students or employees) to achieve the goals of this policy.

The parties may seek additional supportive measures or modification or termination of existing ones applicable to them if circumstances materially change by contacting a member of the Title IX Team or the Confidential Resource Advisor.

The parties are also provided with a timely opportunity to seek modification or reversal of the college's decision to provide, deny, modify, or terminate supportive measures applicable to them. A request to do so should be made in writing to the Title IX Coordinator. An impartial employee other than the employee who implemented the supportive measures, who has authority to modify or reverse the decision, will determine whether to provide, deny, modify, or terminate the supportive measures if they are inconsistent with the Title IX regulatory definition of supportive measures. The college typically renders decisions on supportive measures within seven (7) business days of receiving a request and provides a written determination to the impacted party(ies) and the Title IX Coordinator.

B. Emergency Removal and Administrative Leave

Where the report under this policy poses a substantial and immediate threat of harm to the safety or well-being of an individual or members of the campus community, or to the performance of normal college functions, the college may remove a Respondent from the college on a temporary, emergency basis. Pending resolution of the report, the individual may be denied access to campus, campus facilities, and/or all other college activities or privileges for which the individual might otherwise be eligible. Due to the potentially significant impact of this action, the decision to remove a Respondent is not taken lightly. Emergency removal of students will occur only after an individualized safety and risk analysis has determined that an immediate and serious threat to the health and safety of any student or other individual justifies removal. This risk analysis is performed by the Title IX Coordinator in conjunction with the [Bates Care Collaborative \(BCC\)](#) using its standard objective violence risk assessment procedures. If this analysis suggests it is appropriate to remove an individual, the Title IX Coordinator will forward a recommendation for removal to either the Dean of Students who will make the final determination for all students or the Assistant Vice President of Human Resources (AVP for HR) who will make the final determination for all employees.

Violation of an emergency removal under this policy will be grounds for discipline, which may include dismissal or termination.

The college will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. These actions could include, but are not limited to:

- removing a student from a residence hall;
- temporarily re-assigning an employee;
- restricting a student's or employee's access to or use of facilities or equipment;

- allowing a student to withdraw or take grades of incomplete without financial penalty;
- authorizing an administrative leave; and
- suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate athletics.

Whenever possible, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the party.

When an emergency removal is imposed, wholly or partially, the affected student will be notified of the action, which will include a written rationale, and the option to challenge the emergency removal within two (2) business days of the notification. Upon receipt of a challenge, the Title IX Coordinator will meet with the student (and their Advisor, if desired) as soon as reasonably possible thereafter to allow them to show cause why the removal/action should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate, should be modified, or lifted. When this meeting is not requested within two (2) business days, objections to the emergency removal will be considered waived. A student can later request a meeting to show why they are no longer an imminent and serious threat because conditions related to imminence or seriousness have changed. A Complainant and their Advisor may be permitted to participate in this meeting (or meet with the Title IX Coordinator separately) if the Title IX Coordinator determines it is equitable to do so.

The Respondent may provide information, including expert reports, witness statements, communications, or other documentation for consideration prior to or during the meeting. When applicable, a Complainant may provide information to the Title IX Coordinator for review as well.

An emergency removal may be affirmed, modified, or lifted as a result of a requested review or as new information becomes available. The Title IX Coordinator will communicate the final decision regarding the emergency removal in writing, typically within three (3) business days of the review meeting.

Nothing in this policy limits the college from placing an employee on Administrative Leave, using the existing provisions in the [Employee Handbook](#).

C. Court-Issued Protection or Restraining Orders

Individuals who have obtained a court-issued protection or restraining order should contact the Director of Campus Safety to share the order and discuss steps the college can take to assist with the enforcement the order on campus. Campus Safety will coordinate with local law enforcement and other college officials, including the Title IX Officer, to meet its obligations under the order.

XIII. Resolution Process

The college provides a number of ways to resolve reports/complaints of potential violations of this policy. The sections below outline these options and the procedures used to implement them. Resolution Process is used below as an umbrella term encompassing the college's response to a report or complaint under this policy and all resolution options offered by the college. When procedures apply to only a specific resolution process, the name of that process will be used.

A. Overview of Resolution Options

Upon receipt of a report of bias, harassment, discrimination, or retaliation, the Associate Vice President for Title IX & Civil Rights Compliance/Title IX Coordinator ("Title IX Coordinator") will reach out to the Complainant to offer supportive measures and to inform them of how to file a formal complaint, outline resolution options, and determine how the Complainant wishes to proceed. The Title IX Coordinator also will begin an initial evaluation to determine the college's next steps. The resolution of any report of violations under this policy will involve the same stages: initial evaluation and implementation of supportive measures, followed by an administrative response, an informal resolution option, or a formal investigation and resolution process as appropriate.

The Title IX Coordinator, in consultation with members of the Title IX Team or Bias Response Team as appropriate, will conduct an initial evaluation of the report. The goal of this evaluation is to provide an integrated and coordinated response to reports of alleged misconduct. The review will consider the nature of the report, the safety of the individuals involved and of the campus community, and the Complainant's expressed preference for resolution. Upon completion of the initial evaluation, the Title IX Coordinator will determine the next steps in the resolution of the report. In most circumstances, the college will defer to the wishes of the Complainant on how to proceed.

If an informal, non-disciplinary resolution is desired, the Title IX Coordinator will work with the Complainant to determine and implement an administrative or informal response to a) support the Complainant and restore their access to the college's education program and activities; b) stop any harassment or discrimination that may be occurring; and c) prevent the recurrence of the alleged behavior wherever possible. When Informal Resolution or Administrative Action is taken, there is no determination of whether a policy violation has occurred.

If a formal disciplinary resolution process is desired and appropriate, an investigation will be initiated. The goal of the investigation is to gather all relevant facts. Upon completion of the investigation, an administrative hearing will be held to determine if there is a preponderance of evidence that a violation of the policy occurred. If the Respondent is found responsible for a policy violation, disciplinary sanctions will be implemented.

The college may consolidate complaints against more than one Respondent, or by more than one Complainant against one or more Respondents, when the allegations arise from the same facts or circumstances or implicate a pattern, collusion, and/or other shared or similar actions.

B. Initial Evaluation

The Title IX Coordinator conducts an initial evaluation typically within seven (7) business days of receiving a report of alleged misconduct.¹⁵ The initial evaluation may include:

- assessing nature and circumstance of the allegation(s) and whether the reported conduct may reasonably constitute a violation of the Policy;
 - If the conduct may not reasonably constitute a violation of the Policy, the matter is typically dismissed from this process, consistent with the dismissal provision in these procedures. It may then be referred to another process, if applicable.
- determining whether the college has jurisdiction over the reported conduct, as defined in the Policy;
 - If the conduct is not within college jurisdiction, the matter is typically dismissed from this process, consistent with the dismissal provision in these procedures. If applicable, the conduct will be referred to the appropriate college office for resolution.
- offering and coordinating supportive measures for the Complainant;
- offering and coordinating supportive measures for the Respondent, as applicable.;
- determining whether the Complainant wishes to initiate a Complaint;
- assessing whether there are any immediate risks to the safety of the Complainant and the broader campus community that need to be addressed;
- notifying the Complainant of the following:
 - how to file a formal complaint;
 - their right to contact law enforcement and seek medical treatment;
 - their right to have an Advisor;
 - the importance of preservation of evidence;
 - the availability of on and off campus resources;
 - the range of available supportive and safety measures;
 - the range of the procedural options, including informal remedies-based resolution (Administrative Action), Informal Resolution and the Formal Resolution Process; and
 - the college's policy prohibiting retaliation;
- discussing with the Complainant their expressed preference for the manner of resolution and if there are any barriers to proceeding;

¹⁵ If circumstances require, the Title IX Coordinator will designate another person to oversee the Resolution Process should an allegation be made about the Title IX Coordinator or the Title IX Coordinator is otherwise unavailable, unable to fulfill their duties, or has a conflict of interest.

- assessing whether there is evidence of an on-going pattern of behavior or other similar conduct by Respondent;
- notifying Campus Safety to record the report as part of the college's daily crime log, as applicable; and
- assessing the reported conduct for the need for a timely warning under the Clery Act.

If the Complainant indicates they wish to initiate a Complaint (in a manner that can reasonably be construed as reflecting intent to make a Complaint), the Title IX Coordinator will help to facilitate the Complaint, including working with the Complainant to determine whether the Complainant wishes to pursue one of three resolution options:

- Administrative Action (a supportive and remedial response); and/or
- Informal Resolution; or
- Formal Resolution.

The Title IX Coordinator will seek to abide by the wishes of the Complainant but may have to take an alternative approach depending on their analysis of the situation.

If the Complainant elects for Formal Resolution, and the Title IX Coordinator has determined the Policy applies and that the college has jurisdiction, they will issue a Notice of Investigation and Allegation(s) to both Parties and initiate an investigation consistent with these Procedures.

If any Party indicates (either verbally or in writing) that they want to pursue an Informal Resolution option, the Title IX Coordinator will assess whether the matter is suitable for Informal Resolution and refer the matter accordingly.

If the Complainant indicates (either verbally or in writing) that they do not want any action taken, no Resolution Process will be initiated (unless deemed necessary by the Title IX Coordinator), though the Complainant can elect to initiate one later, if desired.

C. Title IX Coordinator's Authority to Initiate a Complaint

If the Complainant does not wish to file a Complaint, the Title IX Coordinator will offer supportive measures and determine whether to initiate a Complaint themselves. To make this determination, the Title IX Coordinator will evaluate whether there is a serious and imminent threat to someone's safety or if the college cannot ensure equal access without initiating a Complaint. The Title IX Coordinator will consider the following non-exhaustive factors to determine whether to file a Complaint:

- the Complainant's request not to initiate a Complaint;
- the Complainant's reasonable safety concerns regarding initiating a Complaint;
- the risk that additional acts of discrimination would occur if a Complaint is not initiated;

- the severity of the alleged discrimination, including whether the discrimination, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
- the age and relationship of the Parties, including whether the Respondent is a college employee;
- the scope of the alleged discrimination, including information suggesting a pattern, ongoing discrimination, or discrimination alleged to have impacted multiple individuals;
- the availability of evidence to assist a Decision-maker in determining whether discrimination occurred;
- whether the college could end the alleged discrimination and prevent its recurrence without initiating a Resolution Process.

If deemed necessary, the Title IX Coordinator may consult with appropriate college employees, and/or conduct a violence risk assessment¹⁶ to aid their determination whether to initiate a Complaint.

When the Title IX Coordinator initiates a Complaint, they do not become the Complainant. The Complainant is the person who experienced the alleged conduct that could constitute a violation of this policy; the Complainant retains all rights under this policy regardless of their level of participation in the Resolution Process.

D. Dismissal

The college **may** dismiss a Complaint if, at any time during the Resolution Process, one or more of the following grounds are met:

- 1) the college is unable to identify the Respondent after taking reasonable steps to do so;
- 2) the college no longer enrolls or employs the Respondent;
- 3) a Complainant voluntarily withdraws any or all of the allegations in the Complaint, and the Title IX Coordinator declines to initiate a Complaint; or
- 4) the college determines the conduct alleged in the Complaint would not constitute a Policy violation, if proven.

A Decision-maker can recommend dismissal to the Title IX Coordinator if they believe the above grounds are met. A Complainant who decides to withdraw a Complaint may later request to reinstate or refile it.

Upon any dismissal, the college will promptly send the Complainant written notification of the dismissal and the rationale for doing so. If the dismissal occurs after the Respondent has been made aware of the allegations, the college will also notify the Respondent of the dismissal.

¹⁶ See detailed information regarding Violence Risk Assessment in Appendix [E](#).

This dismissal decision is appealable by any party.

E. Appeal of Dismissal

The Complainant may appeal a dismissal of their Complaint. The Respondent may also appeal the dismissal of the Complaint if dismissal occurs after the Respondent has been made aware of the allegations. All dismissal appeal requests must be filed within three (3) business days of the notification of the dismissal.

The Title IX Coordinator will notify the Parties of any appeal of the dismissal. If, however, the Complainant appeals, but the Respondent was not notified of the Complaint, the Title IX Coordinator must then provide the Respondent with a Notice of Investigation and Allegations and will notify the Respondent of the Complainant's appeal with an opportunity to respond.

Throughout the dismissal appeal process, the college will:

- implement dismissal appeal procedures equally for the Parties;
- assign a trained Dismissal Appeal Officer who did not take part in an investigation of the allegations or dismissal of the Complaint;
- provide the Parties a reasonable and equal opportunity to make a statement in support of, or challenging, the dismissal; and
- notify the Parties of the result of the appeal and the rationale for the result.

The grounds for dismissal appeals are limited to:

- 1) procedural irregularity that would change the outcome;
- 2) new evidence that would change the outcome and that was not reasonably available when the dismissal was decided;
- 3) the Title IX Coordinator, Investigator, or Decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that would change the outcome; or
- 4) the dismissal was erroneously granted or denied.

The appeal should specify at least one of the grounds above and provide any reasons or supporting evidence for why the ground is met. Upon receipt of a written dismissal appeal request from one or more Parties, the Title IX Coordinator will share the petition with all other Parties and provide three (3) business days for other Parties to respond to the request. At the conclusion of the response period, the Title IX Coordinator will forward the appeal, as well as any response provided by the other Parties and/or the Title IX Coordinator to the Dismissal Appeal Officer for consideration.

If the Request for Appeal does not provide information that meets the grounds in this Policy, the Dismissal Appeal Officer will deny the request, and the Parties, their Advisors, and the Title IX Coordinator will be notified in writing of the denial and the rationale.

If any of the asserted grounds in the appeal satisfy the grounds described in this Policy, then the Dismissal Appeal Officer will notify all Parties and their Advisors, and the Title IX Coordinator, of their decision and rationale in writing. The effect will be to reinstate the Complaint.

In most circumstances, appeals are confined to a review of the written documentation or record of the original determination and pertinent documentation regarding the specific appeal grounds. The Dismissal Appeal Officer has seven (7) business days to review and decide on the appeal, though extensions can be granted at the discretion of the Title IX Coordinator, and the Parties will be notified of any extension.

Appeal decisions are deferential to the original determination, making changes only if there is a compelling justification to do so.

The Dismissal Appeal Officer may consult with the Title IX Coordinator and/or legal counsel on questions of procedure or rationale for clarification, if needed. The Title IX Coordinator will maintain documentation of all such consultation.

F. Advisors in the Resolution Process

i. Who Can Serve as an Advisor?

The Complainant and Respondent have the right to be assisted by an advisor of their choosing throughout the resolution process. An Advisor serves as a resource and support to the party through all phases of the process and may accompany their advisee to any meeting the advisee attends throughout the process. The parties may select whomever they wish to serve as their Advisor as long as the Advisor is willing and available to serve in this capacity.

The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of the Bates community.

The college trains a pool of individuals who are willing to serve as Advisors. If a party chooses an Advisor from this pool, the Advisor will be familiar with the Bates resolution process. The Title IX Coordinator will also offer to assign a trained Advisor for any party if the party so chooses. Any advisor who is not trained by the college is encouraged to schedule a meeting with the Title IX Coordinator, or their designee, prior to attending any resolution meeting in order to discuss the college's processes and the advisor's role.

The college cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not, or cannot afford an attorney, the college is not obligated to provide an attorney to advise that party.

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. Parties are expected to provide the Title IX Coordinator with timely notification if they change Advisors. If a party changes Advisors, consent to share information with the previous Advisor is assumed to be terminated, and a release for the new Advisor must be submitted.

The college may permit Parties to have more than one Advisor, or an Advisor and a support person, upon special request to the Title IX Coordinator. The decision to grant this request is at the Title IX Coordinator's sole discretion and will be granted equitably to all Parties.

If a party requests that all communication be made through their attorney Advisor instead of to the party, the college will agree to copy both the party and their Advisor on all communications.

ii. Advisor's Role in the Resolution Process

Advisors should help the Parties to prepare for each meeting and are expected to advise ethically, with integrity, and in good faith. Advisors may not provide testimony or speak on behalf of their advisee unless given specific permission to do so.

The Parties are expected to ask and respond to questions on their own behalf throughout the Resolution Process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any Resolution Process meeting or interview. For longer or more involved discussions, the Parties and their Advisors should ask for breaks to allow for private consultation.

iii. Records Shared with Advisors

Advisors are entitled to the same opportunity as their advisee to access relevant evidence, and/or the same written investigation report that accurately summarizes this evidence.

Advisors are expected to maintain the confidentiality of the records the college shares with them, per Section V of this policy. Advisors may not disclose any college

work product or evidence the college obtained solely through the Resolution Process for any purpose not explicitly authorized by the college.

Accordingly, Advisors will be asked to sign Non-Disclosure Agreements (NDAs). The college may decline to share materials with any Advisor who has not executed the NDA. The college may restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by the college's confidentiality expectations.

iv. Advisor Expectations

The college generally expects an Advisor to adjust their schedule to allow them to attend college meetings/interviews when planned, but the college may change scheduled meetings/interviews to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

The college may also make reasonable provisions to allow an Advisor who cannot be present in person to attend a meeting/interview by telephone, video conferencing, or other similar technologies.

All Advisors are subject to the same college policies and procedures, whether they are attorneys or not, and whether they are selected by a party or appointed by the college. Advisors are expected to advise without disrupting proceedings.

v. Advisor Policy Violations

Any Advisor who oversteps their role as defined by the Policy, who shares information or evidence in a manner inconsistent with the Policy, or who refuses to comply with the college's established rules of decorum, will be warned. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting/interview may be ended, or other appropriate measures implemented, including the college requiring the party to use a different Advisor or providing a different college-appointed Advisor. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

G. Resolution Options

This Resolution Process, consisting of Administrative Action, Informal Resolution or Formal Resolution, is the college's chosen approach to addressing all forms of discrimination on the basis of protected characteristics, harassment, retaliation, and Other Prohibited Conduct under the Policy. The process considers the Parties' preferences but is ultimately determined at the Coordinator's discretion.

Resolution proceedings are confidential. All individuals present at any time during the Resolution Process are expected to maintain the confidentiality of the proceedings in accordance with college Policy.

i. Administrative Action

Administrative resolution is a remedies-based, non-judicial approach designed to address the needs of the Complainant and/or to eliminate the offending conduct or any hostile environment without taking disciplinary action against a Respondent. Complainants who do not wish to make a report but not to file a complaint may request administrative interventions.

Where the Initial Review concludes that Administrative Action may be appropriate, the college will take immediate and corrective action designed to maximize the Complainant's access to the educational activities at the college and to eliminate a potential hostile environment.

Administrative Action takes two primary forms:

1. **Supportive Resolution.** When the Title IX Coordinator can resolve the matter informally by providing supportive measures (only) designed to remedy the situation, including any of the supportive measures detailed in Section XII.
2. **Educational Conversation.** When the Title IX Coordinator can resolve the matter informally by having a conversation with the Respondent to discuss the Complainant's concerns and institutional expectations or can accompany the Complainant in their desire to confront the conduct.

The Title IX Coordinator will work with the Complainant to determine how to proceed. The goal of Administrative Action is to provide the Complainant with as much control over the process as possible while still addressing the offending behavior. Depending on the actions desired, it may be possible to maintain the anonymity of the Complainant.

Any actions taken as a result of Administrative Action must be non-disciplinary and non-punitive. There is no determination of whether a policy violation has occurred. Complainants who request Administrative Action, but have not already filed a complaint, retain the right to file a complaint and request Informal or Formal Resolution of that complaint at a later date.

ii. Informal Resolution

Informal Resolution provides the parties with an opportunity to reach a mutually-agreeable resolution of a complaint without a full and formal disciplinary process. Informal Resolution may be requested by either party at any time. To initiate Informal Resolution, a Complainant or Respondent may make such a request to the

Title IX Coordinator at any time prior to a final determination, or the Title IX Coordinator may offer the option to the Parties, in writing. The college will obtain voluntary, written confirmation that all Parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the Parties to participate in Informal Resolution.

Before initiation of an Informal Resolution process, the college will provide the Parties with a written notice that explains:

- the nature of the allegations and the possible sanctions and remedies that may result from the resolution process (if they have not already received a Notice of Investigation and Allegations);
- the requirements of the Informal Resolution process;
- the voluntary nature of Informal Resolution and their rights to decline to participate or to withdraw from the Informal Resolution process at any time prior to reaching an agreement and to initiate or resume the college's Formal Resolution Process;
- that the Parties' agreement to a resolution at the conclusion of the Informal Resolution Process will preclude the Parties from initiating or resuming the Formal Resolution Process arising from the same allegations;
- the potential terms that may be requested or offered in an Informal Resolution agreement, including notification that an Informal Resolution agreement is binding only on the Parties; and
- what information the college will maintain, and whether and how it could disclose such information for use in its Formal Resolution Process.

The individual facilitating an Informal Resolution must be trained and cannot be the Investigator, Decision-maker, or Appeal Officer.

It is not necessary to pursue Informal Resolution first in order to pursue Formal Resolution. Any party participating in Informal Resolution can withdraw from the Informal Resolution Process at any time and initiate or resume the formal disciplinary process.

The Parties may agree, as a condition of engaging in Informal Resolution, on what statements made or evidence shared during the Informal Resolution process will not be considered in Formal Resolution, should Informal Resolution not be successful, unless agreed to by all Parties.

If an investigation is already underway, the Title IX Coordinator has discretion to determine if an investigation will be paused, if it will be limited, or if it will continue during the Informal Resolution process.

The college offers three categories of Informal Resolution:

1. **Educational or Mediated Conversation.** The Complainant(s) may request that the Title IX Coordinator address their allegations by meeting (with or without the Complainant) with the Respondent(s) to discuss concerning behavior and institutional policies and expectations. Such a conversation is non-disciplinary and non-punitive. The conversation will be documented as the Informal Resolution for the matter.
2. **Accepted Responsibility**¹⁷
This form of Informal Resolution is used when the Respondent is willing to accept responsibility for violating the Policy and is willing to agree to actions that will be enforced similarly to sanctions, and the Complainant(s) and college are agreeable to the resolution terms.

The Respondent may accept responsibility for any or all of the alleged Policy violations at any point during the Resolution Process. If the Respondent indicates an intent to accept responsibility for **all** alleged Policy violations, the ongoing process will be paused, and the Title IX Coordinator will determine whether Informal Resolution is an option.

If Informal Resolution is available, the Title IX Coordinator will determine whether all Parties and the college are able to agree on responsibility, restrictions, sanctions, restorative measures, and/or remedies. If so, the Title IX Coordinator records the accepted finding that the Respondent is in violation of college Policy, implements agreed-upon restrictions and remedies, and determines the appropriate responses in coordination with other appropriate administrator(s), as necessary.

This resolution is not subject to appeal once all Parties indicate their written agreement to all resolution terms. When the Parties cannot agree on all terms of resolution, the Formal Resolution Process will be initiated, continue, or resume.

¹⁷ In Section XIII.O below, there is a description of a process to waive the decision-making step of the Formal Resolution Process if a Respondent decides to admit to violating the charged Policies. That section and this one are similar, but there are meaningful differences. In this section, the Parties must agree to the resolution, and the Respondent in essence self-sanctions as part of the Informal Resolution by agreeing to voluntarily comply with whatever the terms are to which the Parties agree. Section XIII.O, in contrast, is unilateral. Neither the Complainant nor the Title IX Coordinator determine eligibility. It is simply a waiver of steps in the process by the Respondent, who can admit violations and accept sanctions assigned by the Decision-maker, if they choose to. No Complainant approval is sought or needed. Under Section XIII.O, the outcome involves sanctioning imposed by the college, rather than an agreement to self-sanction, as outlined in this section.

When a resolution is reached, the appropriate sanction(s) or responsive actions are promptly implemented to effectively stop the discrimination or harassment, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

3. **Alternative Resolution.**

Alternative Resolution provides the option for the parties to reach a resolution agreement through a process tailored for the specific needs of the Parties and the nature of the allegations, as described below.

Alternative resolution may involve agreement to pursue mediation, shuttle negotiation, restorative practices, facilitated dialogue, individual or community remedies, or other forms of resolution that can be tailored to the needs of the Parties. Some alternative resolution mechanisms will result in an agreed-upon outcome, while others are resolved through dialogue. All Parties must consent to the use of an alternative resolution approach. With the approval of the Title IX Coordinator, the Parties may, but are not required to, have direct or indirect contact during an alternative resolution process.

The Title IX Coordinator may consider the following factors to assess whether alternative resolution is appropriate, or which form of alternative resolution may be most successful for the Parties:

- parties' amenability and commitment to Alternative Resolution and motivation to participate;
- the goals or desired outcomes of the parties;
- the likelihood of potential resolution, taking into account any power dynamics between the parties and the complexity of the complaint;
- results of any violence risk assessment/ongoing risk analysis, including whether emergency removal is necessary;
- the relationship between the parties and their ability to engage in Alternative Resolution with each other;
- the skill of the Alternative Resolution facilitator with this type of allegation;
- whether adequate resources exist to invest in Alternative Resolution (time, staff, etc.).
- the nature, complexity, and severity of the complaint and alleged misconduct; and
- the Respondent's disciplinary history.

The Title IX Coordinator has the authority to determine whether alternative resolution is available and whether it is successful, to facilitate a resolution that is acceptable to all Parties, and/or to accept the Parties' proposed resolution, usually through their Advisors, often including terms of confidentiality, release, and non-disparagement.

Parties do not have the authority to stipulate restrictions or obligations for individuals or groups that are not involved in the alternative resolution process. The Title IX Coordinator will determine whether additional individual or community remedies are necessary to meet the institution's compliance obligations beyond the alternative resolution.

The Title IX Coordinator maintains records of any resolution that is reached and will provide notification to the Parties of what information is maintained. Failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions (e.g., dissolution of the agreement and resumption of the Resolution Process, referral to the conduct process for failure to comply, application of the enforcement terms of the agreement). The results of Complaints resolved by alternative resolution are not appealable.

iii. Formal Resolution Process

Formal Resolution is the formal resolution process that includes a fact-gathering investigation into the complaint, an administrative determination hearing, and opportunities for appeal. The goal of Formal Resolution is to determine whether the Respondent is responsible for a violation of this policy. If the Respondent is found responsible for a Policy violation, disciplinary sanctions and/or remedial actions will also be determined.

The formal resolution procedures are guided by the principles of fundamental fairness and respect for all parties, which require notice, an equitable opportunity to be heard, and an equitable opportunity to respond to a report under this policy. All procedures used to resolve Sex-based Discrimination and Harassment and other Title IX allegations are in compliance with the 2024 federal regulations.

The specific procedures for Formal Resolution are detailed below.

H. Civil Rights Resolution Team

The Resolution Process relies on both college employees and external consultants to serve in a variety of roles, including as Deputy Title IX Coordinators, Investigators, Facilitators for Informal Resolution, Decision-makers, Hearing Facilitators, and Appeals Officers, and Advisors. These individuals are appointed by the Title IX Coordinator and act with independence and impartiality.

Any individual materially involved in the administration of the Resolution Process, including the Title IX Coordinator, Investigator(s), Hearing Officer(s), and Appellate Officer(s), may neither have nor demonstrate a conflict of interest or bias for a party

generally, or for a specific Complainant or Respondent. Although members of the Team are typically trained in a variety of skill sets and can rotate amongst the different roles listed above in different Complaints, the college can also designate permanent roles for individuals on the Team.

The Title IX Coordinator will vet all assigned individuals to ensure impartiality by confirming there are no actual or apparent conflicts of interest or disqualifying biases. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another individual will be assigned and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with a Deputy Title IX Coordinator or the President.

Civil Rights Resolution Team members receive annual training related to their respective roles. For more information, see Appendix G.

I. Notice of Investigation and Allegations (NOIA)

Prior to an investigation, the Title IX Coordinator will provide the Parties with a detailed written Notice of Investigation and Allegations (NOIA). Amendments and updates to the NOIA may be made as necessary as the investigation progresses and more information becomes available regarding the addition or dismissal of various allegations. For climate/culture investigations that do not have an identifiable Respondent, the NOIA will be sent to the department/office/program head for the area/program being investigated.

The NOIA typically includes:

- a meaningful summary of all allegations, including:
 - the identity of the involved Parties (if known);
 - the precise misconduct being alleged; and
 - the date and location of the alleged incident(s) (if known);
- the specific policies/offenses implicated;
- a description of, link to, or copy of the applicable procedures;
- the potential sanctions or responsive actions that could result from a finding of responsibility;
- information on:
 - the right of each party to have an Advisor of their choosing who may accompany them through all steps of the Resolution Process;
 - the confidentiality of the process, including that the Parties and their Advisors (if applicable) may not share college work product obtained through the Resolution Process;

- the process for requesting disability accommodations or other support during the resolution process;
- availability of support resources and supportive measures; and
- the need to preserve any evidence that is directly related to the allegations;
- a statement regarding each of the following:
 - determinations of responsibility are made at the conclusion of the process and that the college presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination;
 - the Parties, during the review and comment period, will be given an opportunity to inspect and review all relevant evidence obtained;
 - the college's policy prohibiting retaliation; and
 - the college's policy prohibiting knowingly making false statements, including knowingly submitting false information during the resolution process;
- the name(s) of the Investigator(s), along with a process to notify the Title IX Coordinator of any conflict of interest that the Investigator(s) may have in advance of the interview process;
- an instruction to preserve any evidence that is directly related to the allegations; and
- a link to the college's How We Can Help brochure, if applicable.

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the Parties' local or permanent address(es) as indicated in official college records, emailed to the Parties' college-issued email or designated accounts, or delivered electronically via a secure Bates-issued account on a web-based portal. Once mailed, emailed, delivered electronically, and/or received in person, the notification will be presumptively delivered.

J. Formal Resolution Timeline

The college will make a good faith effort to complete the Formal Resolution process within ninety (90) business days, which the Title IX Coordinator can extend as necessary for appropriate cause. The Parties will receive regular updates on the progress of the resolution process, as well as notification and a rationale for any extensions or delays, and an estimate of how much additional time will be needed to complete the process.

Investigations are completed expeditiously, normally within sixty (60) business days, though some investigations may take longer, depending on issues such as the nature, extent, and complexity of the allegations, witness availability, law enforcement involvement, and other factors.

If a party or witness chooses not to participate in the Formal Resolution process or becomes unresponsive, the college reserves the right to continue it without their participation to ensure a prompt resolution. Non-participatory or unresponsive Parties retain the rights outlined in this Policy and the opportunity to participate in the Formal Resolution process.

The college may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include but are not limited to a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of Parties and/or witnesses, and/or health conditions. The college will promptly resume its Formal Resolution process as soon as feasible. During such a delay, the college will implement and maintain supportive measures for the Parties as deemed appropriate.

College action(s) or processes are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

The college will make a good faith effort to complete the Formal Resolution process as promptly as circumstances permit and will regularly communicate with the Parties to update them on the progress and timing of the process.

K. Ensuring Impartiality

The Formal Resolution process involves an objective evaluation of all available relevant and not otherwise impermissible evidence, including evidence that supports that the Respondent engaged in a Policy violation and evidence that supports that the Respondent did not engage in a Policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness. All Parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence, and to receive a written investigation report that accurately summarizes this evidence.

L. Witness Role and Participation in the Investigation

Employees (not including Complainant and Respondent) are required to cooperate with and participate in the college's investigation and Resolution Process. Student witnesses and witnesses from outside the college community cannot be required to participate but are encouraged to cooperate with college investigations and to share what they know about a Complaint.

Interviews may be conducted in person, via online video platforms (e.g., Zoom, Microsoft Teams, FaceTime, WebEx), or, in limited circumstances, by telephone. The college will take appropriate steps to ensure the security/privacy of remote interviews.

Parties and witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s), though not preferred.

M. Interview Recording

It is standard practice for Investigators to create a record of all interviews pertaining to the Resolution Process. The Parties may review copies of their own interviews, upon request. No unauthorized audio or video recording of any kind is permitted during investigation meetings.

All interviews are recorded, and all involved persons should be made aware of the audio and/or video recording. The recording and/or a transcript of those meetings will be provided to the Parties for their review, after which the Parties may pose additional questions to each other. Those subsequent meetings or interviews are also recorded and/or transcribed and shared with the Parties.

N. Evidentiary Considerations

The Investigator(s) and the Decision-maker(s) will only consider evidence that is deemed relevant and not otherwise impermissible.

Relevant Evidence is that which may aid in determining whether the allegation occurred, or whether the behavior constitutes a violation of Policy.

Impermissible evidence is defined as evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless 1) evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct, or 2) is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent.

The fact of prior consensual sexual conduct occurred between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's consent or preclude a determination that sex-based harassment occurred.

Previous disciplinary action of any kind involving the Respondent may not be considered unless there is an allegation of a pattern of misconduct. Such information may also be considered in determining an appropriate sanction upon a determination of responsibility. Barring a pattern allegation, this information is only considered at the sanction stage of the process and is not shared until then.

Within the limitations stated above, the investigation and determination can consider character evidence, if offered, but that evidence is unlikely to be relevant unless it is fact evidence or relates to a pattern of conduct.

O. Respondent Admits Responsibility

At any point in the Formal Resolution proceedings, if a Respondent elects to admit to the alleged violations and waive further process, the Decision-maker is authorized to accept that

admission, adopt it as their finding/final determination, and administer sanctions. This would waive the Respondent's right to appeal. If the Respondent rejects the finding/final determination/sanctions, or does not admit to all conduct charged, the Formal Resolution Process continues to its conclusion. The Complainant retains their right to appeal a determination when a Respondent admits responsibility.

P. Investigation

Once an investigation is initiated, the Title IX Coordinator appoints an Investigator(s) to conduct it. These Investigators may be members of the Civil Rights Resolution Team, or any other properly trained Investigator, whether internal or external to the college's community.

All investigations are adequate, thorough, reliable, impartial, prompt, and fair. They involve interviewing all relevant Parties and witnesses, obtaining relevant evidence, and identifying sources of expert information, as necessary.

After an interview, Parties and witnesses will be asked to verify the accuracy of the recording, transcript, or summary of their interview. They may submit changes, edits, or clarifications. If the Parties or witnesses do not respond within the time period designated for verification, objections to the accuracy of the recording, transcript, or summary will be deemed to have been waived, and no changes will be permitted.

The Investigator(s) typically take(s) the following steps, if not already completed and not necessarily in this order:

- in conjunction with the Title IX Coordinator:
 - determine the identity and contact information of the Complainant;
 - identify all offenses implicated by the alleged misconduct and notify the Complainant and Respondent of all specific policies implicated;
 - assist the Title IX Coordinator, if needed, with conducting a prompt initial evaluation to determine if the allegations indicate a potential Policy violation;
 - when participation of a party is expected, provide that party with written notification of the date, time, and location of the meeting, as well as the expected participants and purpose;
 - make good faith efforts to notify each party of any meeting or interview involving another party, in advance when possible; and
 - provide the Parties with regular status updates throughout the investigation;
- commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for the Parties and witnesses;
- interview the Complainant and the Respondent and conduct any necessary follow-up interviews with each;

- interview all available, relevant witnesses and conduct follow-up interviews as necessary;
- provide each interviewed party and witness an opportunity to review and verify the Investigator’s summary notes (or transcript or recording) of the relevant evidence/testimony from their respective interviews and meetings;
- allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of another party and/or witnesses. Document which questions were asked with a rationale for any changes or omissions in the investigation report;
- where possible, complete the investigation promptly and without unreasonable deviation from the intended timeline;
- prior to the conclusion of the investigation, provide the Parties and their respective Advisors with a list of witnesses whose information will be used to render a finding;
- ask the Parties to provide a list of questions they would like asked of the other party or any witnesses. The Investigator will ask those questions deemed relevant, and for any question deemed not relevant, will provide a rationale for not asking the question;
- write a draft investigation report that gathers, assesses, and synthesizes the evidence, accurately summarizes the investigation, and party and witness interviews, and provides all relevant evidence. This report may be shared with the Title IX Coordinator and/or legal counsel for their review and feedback; and
- provide the Parties and their respective Advisors an electronic copy of the draft investigation report as well as an opportunity to inspect and review all relevant evidence obtained as part of the investigation for a review and comment period of ten (10) business days so that each party may meaningfully respond to the evidence. The Parties may elect to waive all or part of the review period.

Q. Administrative Hearing Process

The Administrative Hearing Process is used for Formal Resolution of all Complaints of discrimination on the basis of protected characteristics, harassment, retaliation, and Other Prohibited Behaviors (as defined in Policy) or when Administrative Action or Informal Resolution is either not elected or is unsuccessful.

The Administrative Hearing Process consists of a hand-off of the investigation report and all relevant evidence to the Decision-maker to make a finding and determine sanctions (if applicable).

At the discretion of the Title IX Coordinator, the assigned Decision-maker will be an individual or a panel drawn from the Civil Rights Resolution Team, or other trained individuals either internal or external to the institution.¹⁸ Once the Decision-maker receives and reviews the file, they can recommend dismissal to the Title IX Coordinator, if they believe the grounds are met.

The Administrative Hearing Process typically takes approximately thirty (30) business days to complete, beginning with the Decision-maker's receipt of the Draft Investigation Report. The Parties will be regularly updated on the timing and any significant deviation from this typical timeline.

i. Investigator-led Questioning Meetings

1. The Title IX Coordinator provides the Draft Investigation Report to the Decision-maker and the Parties simultaneously for review. The Decision-maker can then provide the Investigator with a list of relevant questions to ask the Parties or any witnesses.

To the extent credibility is in dispute and relevant to one or more of the allegations, the questions provided by the Decision-maker may also explore credibility.

2. The Investigator will also ask each of the Parties to provide a proposed list of questions to ask the other Parties and any witnesses.

To the extent credibility is in dispute and relevant to one or more of the allegations, questions proposed by the Parties may also explore credibility.

All party questions must be posed during this phase of the process and cannot be posed later unless authorized by the Decision-maker.

The Investigator will share all party-proposed questions with the Decision-maker, who will finalize the list with the Investigator to ensure all questions are both relevant and permissible.

3. The Investigator will then hold individual meetings with the Parties and witnesses to ask the questions posed by the Decision-maker, as well as the questions proposed by the Parties that have been deemed relevant and not duplicative, including questions intended to assess credibility. These meetings will be recorded and transcribed.

For any question deemed not relevant or duplicative, the Investigator will provide a rationale for not asking the question, either during the recorded meeting, or in writing (typically as an appendix to the Final Investigation Report).

4. Typically, within three (3) business days of the last of these meetings, the recordings or transcripts will be provided to the Parties for their review. The Parties will then have five (5) business days to review these recordings or transcripts and propose any follow-up questions for the Investigator to ask.

5. The Investigator will again review the proposed questions with the Decision-maker, to determine relevance and permissibility. If deemed necessary, the Investigator will then meet individually with the Parties or witnesses for whom there are relevant, and not duplicative, follow-up questions. These follow-up meetings will also be recorded, and the Parties will receive the recordings or transcripts of these meetings. This final round of questioning is the last round permitted, unless permission is granted to extend, by the Decision-maker.
6. The Investigator will then incorporate any new, relevant evidence and information obtained through the Parties' review of the Draft Investigation Report, the questioning, and follow-up meetings into a Final Investigation Report.
7. The Investigator will also respond in writing (typically within the Final Investigation Report) to the relevant elements of the Parties' responses to the Draft Investigation Report and incorporate relevant elements of the Parties' written responses, additional relevant evidence, and any necessary revisions into the Final Investigation Report.
8. The Investigator will then share the Final Investigation Report with the Title IX Coordinator and/or legal counsel for their review and feedback.
9. The Investigator will then provide the Title IX Coordinator with the Final Investigation Report and investigation file.

ii. The Decision-maker's Determination

1. The Title IX Coordinator will provide the Decision-maker, the Parties, and their Advisors with the Final Investigation Report (FIR) and investigation file, including the evidence and information obtained through the Investigator-led questioning meetings.
2. The Decision-maker will review the FIR, all appendices, and the investigation file.
3. If the record is incomplete, the Decision-maker may direct a re-opening of the investigation, or may direct or conduct any additional inquiry necessary, including informal meetings with the Parties or any witnesses, if needed.
4. Upon reviewing the relevant evidence, the Decision-maker may also choose to pose additional questions.

To the extent credibility is in dispute and relevant to one or more of the allegations, the Decision-maker may meet individually with the Parties and witnesses to question them in order to assess their credibility. These meetings will be recorded, and the recording or transcript will be shared with the Parties.

At their discretion, the Decision-maker may also meet with any party or witness to ask additional relevant questions that will aid the Decision-maker in making their findings. These meetings will be recorded, and the recording or transcript will be shared with the Parties.

5. The Decision-maker will then apply the Preponderance of the Evidence standard to make a determination on each of the allegations and, if applicable, determine any associated sanctions.¹⁹
6. **Timeline.** The Decision-maker's determination process typically takes approximately ten (10) business days, but this timeframe can vary based on a number of factors and variables. The Parties will be notified of any delays.
7. **Impact Statements.** Prior to a determination, the Title IX Coordinator will also provide the Parties with an opportunity to submit a written impact and/or mitigation statement. The Title IX Coordinator will review these statements upon receipt to determine whether there are any immediate needs, issues, or concerns, but will otherwise hold them until after the Decision-maker has made determinations on the allegations. If there are any findings of a Policy violation, the Decision-maker will request the Impact Statements from the Title IX Coordinator and review them prior to determining sanctions. They will also be exchanged between the Parties at that time.
8. If it is later determined that a party or witness intentionally provided false or misleading information, that action could be grounds for re-opening a Formal Resolution process at any time, and/or referring that information to another process for resolution.

R. Sanctions

Factors the Decision-maker may consider when determining sanctions and responsive actions include, but are not limited to:

- the nature, severity of, and circumstances surrounding the violation(s);
- the Respondent's disciplinary history;
- the need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation;
- the need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation;

¹⁹ This means that the Decision-maker will decide whether it is more likely than not, based upon the available information at the time of the decision, that the Respondent is in violation of the alleged policy violation(s).

- the need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community;
- the impact on the Parties;
- the Respondent's acceptance of responsibility; and
- any other information deemed relevant by the Decision-maker.

The sanctions will be implemented as soon as it is feasible once a determination is final, either upon the outcome of any appeal or the expiration of the window to appeal if an appeal is not filed.

The sanctions described in this Policy are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed, by external authorities.

i. Student Sanctions

Students found responsible for a violation of this policy are subject a range of disciplinary actions including any combination of the following:

- **Loss or Restriction of Privileges**
 - Loss of the privilege of participating in any public function (e.g., literary, dramatic, forensic, radio, television, musical, or athletic) wherein the participant will be thought of as a representative of Bates College;
 - Loss of on campus housing and/or dining privileges;
 - Loss of the privilege of participating in social and/or ceremonial events on campus;
 - Loss of the privilege of maintaining a motor vehicle on campus;
 - A requirement that a student resign membership in or any offices, elected or appointed, held in campus organizations;
 - Loss of access to certain campus locations;
 - Loss of specific campus or Bates-sponsored employment opportunities;
 - Loss of specific academic opportunities, such as study abroad; and
 - Loss of use of certain campus resources.
- **Required Action**
 - Required counseling or educational sessions;
 - Required community service or restitution hours; or
 - Required restorative action.
- **Disciplinary Probation**
 - Probation for a specified or indefinite period of time, with or without conditions relating to the termination of probation.
- **Suspension**
 - Suspension for a specified or indefinite period of time, with or without conditions relating to readmission to the college

- Dismissal from the college
- Withholding or Revocation of Degree
- Any other sanction deemed appropriate

ii. Student Group and Organization Sanctions

The following are the common sanctions that may be imposed upon student groups or organizations singly or in combination:

- **Loss of Privileges:** Restricted from accessing specific college privileges for a specified period of time.
- **Warning:** A formal statement that the conduct was unacceptable and a warning that further violation of any college policy, procedure, or directive will result in more severe sanctions/responsive actions.
- **Probation:** An official sanction for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the group or organization is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social and event privileges, denial of college funds, ineligibility for honors and awards, restrictions on new member recruitment, no-contact orders, and/or other measures deemed appropriate.
- **Suspension:** Termination of student group or organization recognition and/or institutional support for a defined period of time not to exceed two (2) years and/or until specific criteria are met. During the suspension period, a student group or organization may not conduct any formal or informal business or participate in college-related activities, whether they occur on- or off-campus. Re-recognition is possible but not guaranteed and will only be considered after the end of the suspension period and based on meeting all re-recognition criteria and obtaining clearance from the college.
- **Termination of Organization:** Permanent termination of student group organization recognition and revocation of the privilege to congregate and conduct business on campus as an organization for any reason.
- **Other Actions:** In addition to or in place of the above sanctions, the college may assign any other sanctions as deemed appropriate.

iii. Employee Sanctions and Responsive or Corrective Actions

Sanctions or responsive actions for employees who have been found responsible for a violation of this policy could include any combination of the following:

- Warning – verbal or written;

- Loss of access to certain campus facilities or functions;
- Initiation of the Performance Improvement Process;
- Enhanced supervision, observation, or review;
- Disciplinary Probation for a specified or indefinite period of time, with or without conditions relating to the termination of probation;
- Required counseling or educational sessions;
- Required restitution or restorative action;
- Loss of annual pay increase;
- Loss of supervisory or leadership responsibilities;
- Loss of specific duties;
- Demotion, reassignment of duties, or transfer;
- Suspension with or without pay, for a specified or indefinite period of time, with or without conditions relating to return to the college;
- Delay in tenure track progress;
- Termination; and
- Any other sanction deemed appropriate.

S. Notice of Outcome

Within seven (7) business days of the Decision-maker's final determination, the Title IX Coordinator will provide the Parties with a written outcome notification.

The Notice of Outcome will be shared with the parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official college records, or emailed to the parties' college-issued email or delivered electronically using a secure web-based portal. Once mailed, emailed or otherwise delivered electronically, and/or received in-person, notice will be presumptively delivered.

The Notice of Outcome will specify:

- the finding on each alleged policy violation;
- all applicable sanctions that the college is permitted to share according to state or federal law; and
- a detailed rationale, written by the Decision-maker, supporting the findings to the extent the college is permitted to share under federal or state law.

The Notice of Outcome will also detail the Parties' rights on the relevant procedures and grounds for any available appeal options and when the results are considered by the Recipient to be final. The Complainant and Respondent will be notified of any changes that occur prior to finalization.

T. Withdrawal or Resignation Before Complaint Resolution

If a student Respondent elects to take a leave from the college after an investigation has commenced but prior to a final resolution, the college reserves the right to complete the resolution process remotely. If the student is found responsible for a policy violation, they will not be permitted to return to the college until all sanctions have been satisfied.

If a student Respondent elects to withdraw from the college prior to the resolution of a complaint, they shall have no right to apply for readmission nor will they be considered for future employment. The Admission and Human Resources Offices will be notified accordingly.

If a student Respondent withdraws from the college, the Resolution Process may continue, or the Title IX Coordinator may exercise their discretion to dismiss the Complaint. If the Complaint is dismissed, the college will still provide reasonable supportive or remedial measures as deemed necessary to address safety and/or remedy any ongoing effects of the alleged harassment, discrimination, and/or retaliation.

Regardless of whether the Complaint is dismissed or pursued to completion of the Resolution Process, the college will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s), and any ongoing effects of the alleged discrimination, harassment, and/or retaliation.

In exceptional circumstances, the Dean of Students may grant permission to apply for readmission to a withdrawing or withdrawn student. If such special permission is granted, readmission will not be automatic and may be subject to such terms and conditions as Dean of Students, in consultation with the Title IX Coordinator, may deem to be appropriate.

Any employee who resigns with unresolved allegations pending is not eligible for admission or rehire with the college and the records retained by the Title IX Coordinator and Human Resources Office will reflect that status.

U. Appeal of the Determination

The Complainant or Respondent may file a request for appeal in writing to the Title IX Coordinator within five (5) business days of the delivery of the Notice of Outcome. Appeals are on limited grounds and are not intended to be a full re-hearing of the allegations or evidence. If an appeal meets the limited grounds, the non-appealing party will be notified of the appeal and have an opportunity to respond to it.

The Title IX Coordinator will designate either one or more Appellate Officer(s) to review and rule on the appeal. No Appellate Officer will have been previously involved in the Resolution Process for the Complaint, including in any supportive measure challenge or dismissal appeal

that may have been decided earlier in the process. If a panel is used, a voting chair will be designated by the Title IX Coordinator.

i. Appeal Grounds

Appeals are limited to the following grounds:

- a procedural irregularity that would change the outcome of the matter;
- new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- the Title IX Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the specific Complainant or Respondent that affected the outcome of the matter; or
- the sanction(s) imposed on the Responding Party are grossly inappropriate.

ii. Request for Appeal

Any party may submit a written request for appeal (“Request for Appeal”) to the Title IX Coordinator within five (5) business days of the delivery of the Notice of Outcome.

The Request for Appeal will be forwarded to the Appeal Officer for consideration to determine if the request meets the grounds for appeal (a Review for Standing). This is not a review of the merits of the appeal, but solely a determination as to whether the request could reasonably be construed to meet the grounds and is timely filed.

If the Request for Appeal does not provide information that meets the grounds in this Policy, the request will be denied by the Appeal Officer, and the Parties and their Advisors will be simultaneously notified in writing of the denial and the rationale.

If any of the information in the Request for Appeal meets the grounds in this Policy, then the Appeal Officer will notify all Parties and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigator(s) and/or the original Decision-maker.

All other Parties and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigator(s) and/or the Decision-maker will be provided a copy of the Request for Appeal with the approved grounds and then be given five (5) business days to submit a response to the portion of the appeal that was approved and involves them. The Appeal Officer will forward all responses, if any, to all Parties for review and comment.

The non-appealing party (if any) may also choose to appeal at this time. If so, that Request for Appeal will be reviewed by the Appeal Officer to determine if it meets the grounds in this Policy and will either be approved or denied. If approved, it will be forwarded to the party who initially requested an appeal, the Title IX Coordinator, and the Investigator(s) and/or original Decision-maker, as necessary, who will submit their responses, if any, within five (5) business days. Any such responses will be circulated for review and comment by all Parties. If denied, the Parties and their Advisors will be notified accordingly, in writing.

No party may submit any new Requests for Appeal after this time period. The Appeal Officer will collect any additional information needed and all documentation regarding the approved appeal grounds, and the subsequent responses will be shared with the Appeal Officer, who will promptly render a decision.

iii. Appeal Determination Process

In most cases, appeals are confined to a review of the written documentation or record of the original determination and pertinent documentation regarding the specific appeal grounds. The Appeal Officer will deliberate as soon as is practicable and discuss the merits of the appeal.

Appeal decisions are to be deferential to the original determination, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so. All decisions are made by majority vote and apply the Preponderance of the Evidence standard of proof.

An appeal is not an opportunity for the Appeal Officer to substitute their judgment for that of the original Decision-maker merely because they disagree with the finding and/or sanction(s).

The Appeal Officer may consult with the Title IX Coordinator and/or legal counsel on questions of procedure or rationale, for clarification, if needed. The Title IX Coordinator will maintain documentation of all such consultation.

iv. Appeal Outcome

An appeal may be granted or denied. Appeals that are granted should normally be remanded (or partially remanded) to the original Investigator(s) and/or Decision-maker with corrective instructions for reconsideration. In rare circumstances where an error cannot be cured by the original Investigator(s) and/or Decision-maker or the Title IX Coordinator (as in cases of bias), the Appeal Officer may order a new investigation and/or a new determination with new Pool members serving in the Investigator and Decision-maker roles.

A Notice of Appeal Outcome letter (“Appeal Outcome”) will be sent to all Parties simultaneously, or without significant time delay between notifications. The Appeal Outcome will specify the finding on each appeal ground, any specific instructions for remand or reconsideration, all sanction(s) that may result which the college is permitted to share according to federal or state law, and the rationale supporting the essential findings to the extent the college is permitted to share under federal or state law.

Written notification may be delivered by one or more of the following methods: in person, mailed to the Parties’ local or permanent address as indicated in official institutional records, emailed to the Parties’ college-issued email or otherwise approved account or electronically delivered via a secured web-based portal. Once mailed, emailed, electronically delivered, and/or received in person, the Appeal Outcome will be presumptively delivered.

Once an appeal is decided, the outcome is final and constitutes the Final Determination; further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new determination). When appeals result in no change to the finding or sanction, that decision is final. When an appeal results in a new finding or sanction, that finding or sanction can be appealed one final time on the grounds listed above and in accordance with these procedures.

v. Sanction Status During the Appeal

Any sanctions imposed as a result of the determination are stayed (i.e., not implemented) during the appeal process, and supportive measures may be maintained or reinstated until the appeal determination is made.

If any of the sanctions are to be implemented immediately post-determination, but pre-appeal, then the emergency removal procedures (detailed above) for a “show cause” meeting on the justification for doing so must be permitted within two (2) business days of implementation.

V. Long-Term Remedies and Other Actions

Following the conclusion of the Resolution Process, and in addition to any sanctions implemented or Informal Resolution terms, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the Parties and/or the college community that are intended to stop the discrimination, harassment, and/or retaliation, remedy the effects, and prevent recurrence.

These remedies and other actions may include, but are not limited to:

- referral to counseling and health services;

- referral to the Employee Assistance Program;
- course and registration adjustments, such as retroactive withdrawals;
- education to the individual and/or the community;
- permanent alteration of housing assignments;
- permanent alteration of work arrangements for employees;
- provision of campus safety escorts;
- climate surveys;
- policy modification and/or training;
- provision of transportation assistance;
- implementation of long-term contact limitations between the Parties; and
- implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, certain long-term supportive measures may also be provided to the Parties even if no policy violation is found. When no policy violation is found, the Title IX Coordinator will address any remedies the college owes the Respondent to ensure no effective denial of educational access.

The college will maintain the confidentiality of any long-term remedies, actions, or supportive measures, provided confidentiality does not impair the college's ability to provide these services.

W. Failure to Comply with Sanctions, Responsive Actions, and/or Informal Resolution Terms

All Respondents are expected to comply with the assigned sanctions, responsive actions, corrective actions, and/or Informal Resolution terms within the timeframe specified in the Notice of Outcome or the Informal Resolution agreement.

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or for any other reason, may result in additional sanction(s) or disciplinary action(s), including suspension, dismissal from the college, and/or termination of employment.

Supervisors are expected to enforce the completion of sanctions/responsive actions for their employees.

A suspension imposed for non-compliance with sanctions will only be lifted when compliance is achieved to the Title IX Coordinator's satisfaction.

X. Accommodations and Support During the Resolution Process

The college is committed to providing reasonable accommodations and support to qualified students, employees, and others with disabilities to ensure equal access to the college's Resolution Process.

Anyone needing such accomodation or support should contact the Title IX Coordinator, who will work other college officials to review the request and, in consultation with the person requesting the accommodation, determine which accommodations are appropriate and necessary for full process participation.

The college will also address reasonable requests for support for the Parties and witnesses, including: language services or interpreters; access to and training regarding the use of technology throughout the Resolution Process; and other support deemed reasonable and necessary to facilitate participation in the Resolution Process.