

Sexual Misconduct and Title IX

PURPOSE

Olin College is committed to providing a safe learning and working environment for all community members, guests, and visitors. In compliance with federal law, Olin has adopted policies and procedures to prevent and respond to incidents of discrimination and harassment on the basis of sex, gender identity or sexual orientation, including, but not limited to sexual violence, dating and domestic violence, stalking, or retaliation. These policies have been developed to reaffirm the values of our community and to provide transparency about Olin's Title IX processes. These policies and resolution procedures are intended to comply with Title IX, the Clery Act, the reauthorized Violence Against Women Act (VAWA), including the Campus SaVE Act, and the guidance documents on Title IX issued by the Department of Education's (DOE) Office for Civil Rights (OCR) and the White House Task Force to Protect Students from Sexual Assault.

APPLICABILITY

The Sexual Misconduct Policy applies to all Olin community members, including faculty, staff, students and volunteers, and all members of the Olin community are responsible for being familiar with and abiding by the Sexual Misconduct Policy at all times.

Overview of the Olin College Sexual Misconduct Policy¹

I. Statement of Values

Sexual misconduct and sexual violence violate the values of Olin and will not be tolerated within the College community. Olin rejects and condemns all forms of harassment, discrimination, retaliation and disrespect. Olin is committed to sustaining a welcoming environment for everyone and especially for those vulnerable to discrimination on the basis of race, religion, color, national origin, age, marital or parental status, veteran status, sex, disability, genetic information, sexual orientation, and/or gender identity. It is the policy of Olin to adhere to all applicable state and federal laws prohibiting discrimination. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. In addition, all community members are expected to take reasonable and prudent actions to prevent or stop an act of sexual misconduct through safe bystander intervention.

Sexual misconduct and sexual violence can be devastating to the person who experiences it directly and can be traumatic to the person's family, friends, and to the Olin community. Olin is committed to providing an environment of well-being, learning, and accountability for its members by preventing the occurrence of sexual misconduct and addressing its effects.

II. Commitment to Non-Discrimination

Sexual misconduct is a form of sex discrimination that deprives a person of equal treatment. It is prohibited by Title IX, a federal law that states: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." Sexual harassment is also prohibited under Title VII of the Civil Rights Act, Massachusetts General Laws Chapter 151B, Massachusetts Fair Education Practices Act, Massachusetts General Laws 151 C, Section 2(g), and other applicable state and federal statutes.

¹ This amended Sexual Misconduct Policy, including but not limited to the Process for Resolving Complaints of Sexual Misconduct, are effective as of May 29th, 2018. Complaints made or claims reported prior to May 29th, 2018 will generally be reviewed under the prior Sexual Misconduct Policy, unless otherwise determined by the Title IX Coordinator, in their sole discretion, with respect to continuing or ongoing violations or other pertinent circumstances.

Olin rejects and condemns all forms of harassment, discrimination, retaliation and disrespect, and is committed to sustaining a welcoming environment for every individual. It is the policy of Olin to adhere to all applicable state and federal laws prohibiting discrimination. Olin does not discriminate in admission to, access to, treatment in or employment in its programs and activities on the basis of a person's race, religion, color, national origin, age, marital or parental status, veteran status, sex, disability, genetic information, sexual orientation, gender identity or any other legally protected status.

The following individual has been designated by Olin to respond to general inquiries regarding the College's non-discrimination policies:

Sharon Woodward, Director of Human Resources
Olin College of Engineering
1000 Olin Way
Needham, MA 02492-1000
781-292-2409
Sharon.Woodward@olin.edu

III. How Olin Will Address Sexual Misconduct

Olin's commitment to non-discrimination includes an assertion that the College will not tolerate discrimination or harassment on the basis of sex, gender identity, and/or sexual orientation including, but not limited to sexual violence, dating and domestic violence, stalking, or retaliation in its community. The College follows through on that commitment, in part, through the implementation of a Sexual Misconduct Policy that defines prohibited conduct and the process by which the College will address such conduct in different circumstances. Olin College's Sexual Misconduct Policy is composed of several components:

- Definitions of Prohibited Conduct
- Process for Resolving Complaints of Sexual Misconduct

The Sexual Misconduct Policy applies to all Olin community members, and all members of the College community are responsible for being familiar with and abiding by the Sexual Misconduct Policy at all times.

Olin will also provide relevant resources for the community on the Sexual Misconduct and Title IX webpage available on the Olin College website. While separate from the Policy, these additional resources are part of the College's ongoing efforts to ensure an environment free of discrimination on the basis of sex.

IV. Role of the Title IX Coordinator

The Title IX Coordinator is responsible for coordinating Olin programs to comply with Title IX. This includes leading Olin's efforts to respond to reports of conduct that could trigger Olin's Sexual Misconduct Policy. The Title IX Coordinator is also available to meet with any individual to provide information about the implementation of the Sexual Misconduct Policy (including the availability of interim measures, the investigation, and the resolution/sanction process), as well as discussing other resources within the Olin community and beyond.

The College's Title IX Coordinator is:

Stephanie Milton, Title IX Coordinator
Director of Diversity and Inclusion
Olin College of Engineering
1000 Olin Way
Needham, MA 02492-1000
781-292-2322
smilton@olin.edu

Where the Title IX Coordinator is listed as the designated point of contact for any role in the Sexual Misconduct Policy, they may designate a Deputy Title IX Coordinator or other qualified member of the College community to assume the role, as necessary and appropriate. These individuals would be available to receive a report from any member of the Olin community who believes the Sexual Misconduct Policy has been violated. They may also be available to assist others, including Responding Parties and witnesses in understanding the College's Sexual Misconduct Policy and procedures.

V. Olin Resources and Other Community Resources

There are several offices and resources within the Olin community that can be called upon to respond to incidents of behavior that could be subject to the Sexual Misconduct Policy and can serve as supports to individuals in many ways. These resources are available to both Complaining Parties and Responding Parties.

A. Confidential Medical and Counseling Resources. Some Olin resources designated as “confidential resources” have the ability to maintain legally protected confidentiality with the individual who shared the information. These individuals serve in professional roles in which communications are provided confidential status under the law (e.g., licensed mental health care providers, licensed medical providers, pastoral counselors and clergy) and may not report identifying information about behavior that may implicate the Sexual Misconduct Policy without the expressed permission of the individual who supplied the information in question or otherwise in compliance with law². However, these confidential resources are instructed to inform individuals of their right to file a complaint under the Sexual Misconduct Policy and/or with the police and may assist in that process.

Below is a list of some available confidential resources for community members at Olin³:

Babson/Olin Health Services (students only)

Phone: 781.239.6363 - Fax: 781.239.5069
Babson College - Babson Park, MA 02457
Academic Year: Monday-Friday 9am-5pm
Urgent Care hours: Monday-Thursday 5pm-7pm
Semester Breaks: Monday-Friday 9am-5pm
Summer: Monday-Friday 8:30am-4:30pm

Services: Health services, physical exams, and testing for sexual transmitted infections (STI's) and pregnancy.

Colony Care Behavioral Health (students only)

Phone: 781.431.1177 Ext. 213 - Fax: 781.431.1181
River Street, First floor - Wellesley, MA 02481

Services: Comprehensive mental health and substance abuse treatment, individual psychotherapy, and walk-in crisis appointments.

² Confidential resources generally will not share identifiable information without the reporting individual's permission, unless:

- Sharing is required to address an imminent risk of harm to the safety of the community at large, the individual sharing the information, or another member of the community; or
- The individual alleged to have been harmed is a minor (under 18), in which case the Massachusetts Department of Children and Families must be notified.
- Elder or disabled individual abuse is reported

Please note that such individuals who receive reports when not functioning in their licensed or pastoral capacity (e.g., when acting as an administrator or teaching a course) are not prohibited from making a report.

³ Please note that this list of resources is not comprehensive, and all individuals are welcome to utilize resources beyond the names provided. Any questions as to the reporting status of a resource should be directed to the Title IX Coordinator.

Laura Kinney is Olin's main contact at Colony Care. To schedule an appointment, provide your name and contact phone number in the voicemail and Laura or another counselor will contact you to set up a time to meet.

Colony Care is available on-site at Olin during the academic year. Appointments may also be scheduled to meet off-campus with free transportation to the office.

Beth Israel Deaconess Medical Center

Phone: 617.677.7000 - Emergency: 781.453.5400

148 Chestnut Street - Needham, MA 02492

Services: Mental health, counseling, and adult medicine.

Employee Assistance Program (employees only)

Phone: 800.828.6025

Court Street, Seventh floor – Boston, MA 02108

Services: Collaborate with employees to resolve personal and/or job-related concerns that may adversely impact health, well-being, social functioning and productivity issues in the workplace. Topics of support include: Balancing work and family, mental health, alcohol and drugs, recovery management, diversity, domestic violence, job related, and financial.

Additional Services: Confidential counseling, legal consultation, health and wellness resources, family and caregiving referrals, and convenience services.

B. Non-Confidential Olin Reporting Options and Resources

To report a violation, file a complaint, or seek information about the process under the Sexual Misconduct Policy, please contact the Title IX Coordinator (See contact information in Section IV above).

Olin recognizes that an individual may feel most comfortable discussing incidents, situations, and/or allegations with Olin employees whom the individual knows well. It is important to note that Olin employees, other than the confidential resources described above, are considered "responsible employees" and are obligated by law to disclose all reports and relevant information committed by or impacting any community member, that is shared with them, to the Title IX Coordinator concerning: unlawful discrimination on the basis of sex, gender identity, sexual orientation, and marital or parental status, as well as incidents and allegations of sexual misconduct (including, but not limited to sexual harassment, sexual violence, relationship violence and stalking), and/or retaliation. The Title IX Coordinator will then take the steps to provide the alleged victim with rights and resource information. Responsible employees must disclose all information they know related to a report of potential sexual misconduct including the names of the alleged victim and perpetrator (if known), any witnesses and any other relevant facts including, the date, time and specific location of the alleged incident. Responsible employees include all full or part-time faculty, staff, administrators, and employees at Olin. Resident Resources (R2's) are also considered responsible employees.

To the extent possible, information reported to a responsible employee will be shared only with the Title IX Coordinator and those who assist in the implementation of Olin's Sexual Misconduct Policy and procedures. If the incident is an emergency or poses a serious or continuing threat, the responsible employee should first call Babson/Olin Public Safety immediately. If the incident is not an emergency and does not pose a serious or continuing threat, the responsible employee should not share information with law enforcement without the alleged victim's consent or unless the employee is otherwise required by law to do so.

Once a responsible employee learns about an incident, allegation or receives a report, Olin is on notice and then may be required to investigate. In some instances, the alleged victim may express a desire that Olin not investigate the incident. The Title IX Coordinator will strongly consider the request and will

generally honor the request except in limited circumstances where the safety and well-being of the individual and/or the community outweighs the reasons for the request. For information regarding requests for confidentiality or no investigation see Section VI.A.1.

Whenever possible, responsible employees will disclose their duty to report incidents before someone reveals information about an incident. Olin encourages individuals to speak with a responsible employee so that an incident can be investigated and properly resolved.

C. Criminal Reporting Options

Individuals who believe that they may have been victims of a crime may file a criminal complaint with the Babson/Olin Public Safety (781.239.5555) and/or the local police department (911) where the incident occurred. An individual may make both a criminal complaint and a complaint to Olin under its Sexual Misconduct Policy.

Olin encourages individuals to report incidents to the police so the police can take appropriate measures to help individuals and prevent future crimes. However, individuals are never required to report an incident to Babson/Olin Public Safety or the local police.

Babson/Olin Public Safety

Phone: 781.239.5555 – Non-emergency Anonymous Tip Line: 781.237.8164

Emergency Call Boxes are located across Babson and Olin to contact Public Safety
Babson College - Babson Park, Massachusetts 02457

If a person wishes to file a report on campus, a trained investigator at Babson/Olin Public Safety will be available to meet and receive a report. It is the policy of the Babson/Olin Public Safety Department to ensure consistent standardized procedures for the investigation and prosecution of all sexual misconduct claims. Officers and investigators are trained to respond, support, and collaborate with local health and law enforcement to help preserve evidence should an individual wish to pursue a criminal prosecution in addition to other protective orders available through the court system.

Needham Police Department

Phone: 781.455.7570

99 School Street - Needham, MA 02392

Massachusetts State Police

Phone: 781.431.5050

470 Worcester Rd - Framingham, MA 01702

District Attorney Office – Victim Witness Coordinator

Phone: 781.830.4800

45 Shawmut Rd - Framingham, MA 01702

If an individual would like assistance in filing a report with local law enforcement, Babson/Olin Public Safety will be available to help. Additionally, if someone wishes to file a report with off-campus authorities, they may choose to go directly to the local police department. Transportation to the police department is available through Olin. One may also choose to have the police come to Olin's campus. If this option is chosen, Olin can arrange for a discreet and private place to meet for this purpose. By filing a report, you are not committed to seeking criminal prosecution. However, Olin will evaluate its obligation to conduct an internal investigation as described in Section VI.A.1 below.

D. Government Reporting Options

If one wishes to file a complaint of sex discrimination, sexual harassment, including, but not limited to, sexual misconduct, sexual violence, relationship violence, stalking, and/or retaliation, outside of the College or in addition to a complaint filed under Olin's Sexual Misconduct Policy, contact one of the government agencies listed below.

U.S. Department of Education (DOE), Office of Civil Rights (OCR)

Phone: 617.289.0111

5 Post Office Square, 8th Floor – Boston, MA 02109

U.S. Equal Employment Opportunity Commission

Phone: 617.565.3200 / 800.669.4000

475 Government Center – Boston, MA 02203

Massachusetts Commission Against Discrimination

Phone: 617.994.6000

One Ashburton Place, Suite 601– Boston, MA 02108

E. Additional Resources and Guidance for Complaining and/or Reporting Parties

Individuals who have experienced sexual violence, other inappropriate sexual contact, relationship violence, and/or stalking may experience a wide range of feelings and have questions and concerns. Many resources to assist individuals at Olin in including local and national services.

In an emergency, contact public safety at 781.239.5555 or dial 911. Immediately get to a safe place and call someone you trust.

- 1. Steps to Preserve Evidence.** Any person who has experience sexual violence is encouraged to take steps to preserve evidence of the incident, as doing so may be necessary to the proof of the crime or to obtain a protective order. Clothing and surroundings may contain valuable evidence. An individual should try and refrain from going to the bathroom unless they are able to save a urine sample in a clear container. They should also try and refrain from drinking, showering, brushing teeth, combing hair, changing clothing, and straighten up anything. It is natural to want to do these things, yet it is important that a Sexual Assault Nurse Examiner (SANE) or physician be able to examine an individual as they are from the incident. If a person needs to change their clothes, each garment worn during the incident should be placed in its own paper (not plastic) bag. If the incident involves any written or electronic communications (such as texts, pictures, videos, social media posts, phone calls), one should try and preserve copies and not delete original material.
- 2. Confidential Medical Attention after Sexual Assault or Other Violence.** Medical attention is highly recommended to treat any possible injuries, including internal injuries or infections, even if there is no visible injury present. It is important to be aware that there are some medical actions that are more effective if taken within the first few days after an offense, such as pregnancy tests, tests for sexually transmitted infections (STI's), evidence collection, and toxicology testing (if there are signs that drugs or alcohol facilitated the offense). Immediate medical attention may be especially helpful to prevent the transmission of STI's, such as HIV, as long as medications are administered within the first 24-72 hours following an assault. Generally, an individual may discuss the incident with a licensed medical professional on a confidential basis.

Olin recommends that any person who has experienced sexual violence obtain medical assistance at a hospital or medical facility immediately after or within 72 hours of a sexual assault. These providers offer physical exams and provide sexual and reproductive health services (e.g., sexually transmitted infections and pregnancy testing). Sexual Assault Nurse Examiners (SANE) are also available at some hospitals to collect evidence in the event that the individual seeks to pursue criminal charges or a protective order.

Babson/Olin Health Services (students only)

Phone: 781.239.6363

Health services, physical exams and testing for sexually transmitted infections (STI's) and pregnancy.

Beth Israel Deaconess Medical Center

Phone: 617.677.7000

Needham Hospital Phone: 781.453.3000

Violence Prevention & Recovery Phone: 617.667.8141

Mental health, counseling, and adult medicine.

Newton-Wellesley Hospital

Phone: 617.243.6000

Sexual Assault Nurse Examiners (SANE) are available to collect evidence if looking to pursue criminal charges.

Brigham & Women's Hospital

Phone: 617.732.5000

Metro West Hospital

Phone: 508.650.7000

Massachusetts Department of Health

Phone: 617.624.6000

If seeking transportation to the hospital through Olin, please contact the Title IX Coordinator. An individual may also request transportation with the help of Babson/Olin Health Services or be transported by a friend or family member.

A Sexual Assault Medical examination is used to (a) collect evidence important in criminal prosecution or a civil case and (b) treat possible injuries or illness sustained from the offense. Having the examination provides an opportunity to obtain any possible evidence necessary to support the case should one choose to handle the incident through the criminal justice or other legal process. The examination is an optional procedure and does not commit an individual to any legal action. An individual is also not required to make a police report. Any evidence collected during the examination is held up to six months in a confidential storage which is identified only by a number, not a name. It is the individual's right to request a Sexual Assault Nurse Examiner (SANE) to perform the examination.

There is no charge for a sexual assault medical examination completed in a Massachusetts hospital within five days after a sexual assault occurring in the state. The hospital where the examination occurred will work with the Massachusetts Victim Compensation & Assistance Division for the payment of any lab work, emergency room fees, physician's fees, and medications during the hospital visit. Individuals are also eligible for additional expenses associated with the aftercare if deemed medically necessary as result of the incident. This can include further medical treatment, medications, counseling, replacement bedding and clothing (taken during the administration of the Sexual Assault Forensic Examination (SAFE) kit), security measures, etc. To determine eligibility for these post-examination expenses, one will need to complete the Massachusetts SAFE Post Examination Application provided at the time of release from the hospital.

If an individual did not obtain an examination at the time of the incident, the Massachusetts Victim Compensation Fund may also cover the cost of the examination care at a later date as well as some possible post examination care (e.g., for follow up care for STI prevention, medication, testing, counseling, security measures, lost wages) if an individual submits a Crime Victim's Compensation application with law enforcement. More information can be found at www.mass.gov/ago/vcomp.

F. Confidential Support for Complaining and Responding parties. The following resources can generally talk to individuals without revealing any personally identifying information about an incident to Olin. While maintaining an individual's confidentiality, these individuals or their offices may report the nature, date, time, and general location of an incident to the Title IX Coordinator. This limited report, which does not include information that would directly or indirectly identify the individual, helps keep the Title IX Coordinator informed of the general extent and nature of sexual misconduct on and off campus so the Coordinator can track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses. Before reporting any information to the Title IX Coordinator, these individuals will consult with the individual to ensure that personally identifying details are not shared.

- 1. Babson/Olin Health Services (students only).** Babson/Olin Health Services is available to assist students with immediate needs and to review available medical options. Babson/Olin Health Services can offer support, testing and treatment for STI's and follow-up appointments for further testing, if necessary. If medical care is needed well after the incident had occurred, Babson/Olin Health Services can still provide any needed support and perform testing and treatment for students. Olin recommends that any person who has experienced sexual violence obtain medical assistance at a hospital immediately after or within 72 hours of a sexual assault. Babson/Olin Health Services staff are trained to assist individuals and determine what options and resources are available. A confidential meeting can be scheduled by calling Babson/Olin Health Services at 781.239.6363. Transportation to a local hospital with a support person of your choice can also be arranged.
- 2. Colony Care Behavioral Health (students only).** Individual counseling appointments with members of the Colony Care staff are confidential and no information will be released with your permission except as required by law. A therapist will review confidentiality, so individuals are able to make an informed decision about what information they feel comfortable sharing. All independently licensed psychologists at Colony Care are experienced in counseling both Complaining and Responding Parties in sexual misconduct and relationship violence (dating violence and domestic violence) concerns. Psychological counseling is intended to help individuals process their emotions and thoughts related to the incident. The course of treatment is determined by each individual's needs, which may change over time⁴. Some goals of treatment include establishing safety, regaining a sense of control, addressing depression, and attending to any psychological symptoms that may result from the incident. Counselors at Colony Care will also provide individuals with options and resources as well as providing support when making important decisions.
- 3. Employee Assistance Program (EAP) (employees only).** E4 Health is available to provide up to (7) sessions of confidential counseling for employees, their family and household members to resolve personal and/or job-related concerns that may adversely impact health, well-being, social functioning, and productivity issues in the workplace. Some support issues include: relationship difficulties, mental health, life cycle events, grief and loss, addiction, stress, and family. Additionally, E4 provides legal consultation, health and wellness resources, family and caregiving referrals, and convenience services.

G. Consider Reporting and Complaint Options

- 1. Complaint under Olin's Sexual Misconduct Policy.** To file a complaint under this policy, contact the Title IX Coordinator as described in Section IV.
- 2. Criminal Report.** To file a criminal complaint, contact public safety at 781.239.5555 or dial 911 as described in Section V.C

⁴ The length of time an individual is in counseling depends on many factors including circumstances of the incident, other significant life events, how one chooses to proceed with regards to the incident, and personal social supports available.

3. Reporting to Governmental Agency. To file a complaint with a governmental agency, please see Section V. D

H. Additional Support and Resources – Hotlines, Advocacy, Shelters, and Support. There are many resources available for individuals seeking support, assistance, and guidance from someone outside of the Olin College Community. These service providers are not required to report any information to Olin and generally hold confidentiality with individuals seeking assistance.

Boston Area Rape Crisis Counseling Center (BARCC)

Phone: 800.941.8371 - Website: www.barcc.org

24hr hotline, 24hr medical advocacy, individual and group counseling, legal advocacy, case management

REACH Beyond Domestic Violence

Phone: 800.899.4000 - Website: www.reachma.org

24hr domestic violence hotline, shelter, intervention, and prevention services, community-based support services

Rape, Abuse, and Incest National Network (RAINN)

Phone: 800.657.4673 - Website: www.rainn.org

24hr national hotline, victim services, resources, advocacy

Jane Doe Inc.

Phone: 877.785.2020 – Website: www.janedoe.org

24hr sexual assault and domestic violence multilingual hotline, movement building, networking and support

Fenway Health

Phone: 888.242.0900 – Website: www.fenwayhealth.org

24hr LGBTQ hotline, counseling, support groups, advocacy, referral services

The Network / LA Red

Phone: 617.742.4911 – Website: www.tnlr.org

24hr LGBTQ, BDSM, and polyamorous partner abuse hotline, emotional support, resources, safety planning

Massachusetts Office of Victim Assistance

Phone: 617.586.1340 – Website: www.mass.gov/mova/

Victim advocacy and assistance, outreach, resources

Resources for legal aid, advice and/or representation:

Committee for Public Counsel Services

Website: www.publiccounsel.net

Public defender agency for Massachusetts

Mass Legal Services

Website: www.masslegalservices.org/FindLegalAid

Legal Resource Finder: Contact information for legal aid programs, nonprofits, government agencies, and court programs

Norfolk Superior Court

Phone: 781.326.1600

Dedham District Court

VI. Additional Considerations

A. Privacy and Confidentiality: Treatment of Reported Information.

- 1. Requests for Confidentiality or No Investigation.** Olin will act with discretion with regards to the privacy of individuals and the sensitivity of the situation when receiving a report of conduct that could trigger the Sexual Misconduct Policy. The Title IX Coordinator will only share information with those who assist in the implementation of Olin's Sexual Misconduct Policy and procedures.

There are certain circumstances in which Olin has a broader obligation for the safety and well-being of the individual and/or the community and may need to override a) an individual's request for privacy or b) an individual's request Olin will not investigate a matter. Because either such a request could impact Olin's ability to appropriately address and resolve the behavior in question, Olin will weigh these requests carefully. In the case of sexual misconduct allegations, the Title IX Coordinator will evaluate the aforementioned requests by considering a range of factors including, but not limited to, whether:

- There have been similar complaints about the same individual
- There appears to be a pattern of perpetration
- The alleged responding party has a history of violence
- The alleged responding party threatened further or future violence
- The misconduct was alleged to have been committed by multiple perpetrators
- The alleged responding party holds a position of power over the alleged victim or others
- The alleged complaining party is a minor
- Olin possess no other means to obtain relevant evidence

The presence of one or more of these factors may lead Olin to commence an investigation. If so, Olin will inform the Complaining/Reporting Party prior to proceeding and will to the extent possible share information only with the individuals responsible for handling Olin's response and others involved in the investigation. In the event that a Complaining/Reporting Party requests that Olin inform the Responding Party that the Complaining/Reporting Party asked the College not to investigate or seek discipline, Olin will honor the request and inform the Responding Party that Olin made the decision to proceed.

If Olin does not proceed, the Title IX Coordinator will consider broader remedial action, such as increased or targeted education or prevention measures, increased monitoring, security or supervision, conducting surveys and/or revisiting its policies and practices.

- 2. Disclosure of Sexual Misconduct at Public Awareness Events.** Public awareness events such as "Take Back the Night", candlelight vigils, community programs and other public forms in which individuals disclose incidents of sexual violence, dating or domestic violence, and/or stalking are not considered notice to the College to trigger an obligation to investigate. However, such events may inform Olin's prevention and education efforts.

B. Duty to Report Gender-Based Discrimination, Sexual Harassment, and Retaliation.

All college employees, other than the confidential resources described in Section V.A., are obligated by law to disclose reports and information that is shared with them to the Title IX Coordinator concerning: unlawful discrimination on the basis of sex, gender identity, sexual orientation, and marital or parental status, as well as incidents and allegations of sexual misconduct (including, but not limited to sexual harassment, sexual violence, relationship violence and stalking), and/or retaliation. In addition, Olin employees who are designated as campus security authorities (CSAs) for the purposes of the Clery Act

must provide Public Safety with non-identifying statistical information regarding all reporting incidents of Clery crimes (including, but not limited to, sexual assault, dating violence, domestic violence, stalking and hate crimes). Any questions about the reporting or confidentiality status of an individual should be directed to the Title IX Coordinator.

Individuals who serve in professional roles in which communications are provided confidential status under the law (e.g., licensed mental health care providers, licensed medical providers, pastoral counselors and clergy) are not obligated to report identifying information about behavior that may implicate the Sexual Misconduct Policy without the consent of the individual who supplied the information in question or is otherwise in compliance with law as noted in Section V.A above. However, these confidential resources are instructed to inform individuals of their rights to file a complaint under the Sexual Misconduct Policy and may assist in that process. Please note that such employees who receive reports when not functioning in their licensed or confidential capacity are not prohibited from making a report. Confidential resources may however, consistent with their legal obligation and ethical requirements, provide limited statistical information about incidents without revealing personally identifiable information regarding the identity of the individuals involved to the Title IX Coordinator.

C. Crime Log, Statistical Reporting, Emergency Notifications and Timely Warnings.

The Clery Act requires Olin to maintain a daily log of certain reported crimes that occurred on campus, Olin controlled property, and public property immediately adjacent to the campus, to publish an Annual Security and Fire Report concerning those reported crimes, and to issue emergency notifications and/or timely warnings. The current Annual Security and Fire Report can be found on the Babson webpage of Public Safety at <http://www.babson.edu/offices-services/public-safety/safety-crime-prevention/Pages/clery-act.aspx>. In connection with such reports involving sexual misconduct, dating violence, domestic violence or stalking, Public Safety will include the reported crime in its crime log and Annual Security and Fire Report statistics without identifiable information or other information prohibited by law. Public Safety will also issue emergency notifications and/or timely warnings, as appropriate, without the name or personally identifiable information of the alleged victim.

D. Consensual Sexual Relationships Involving Employees.

- 1. Employee Relationships with Students.** The personal relationships that a student develops with College employees play a fundamental role in the student's educational experience at Olin. Given the inherent authority and power dynamic employees may have over students, a sexual or romantic relationship between a student and an employee can easily raise concerns about sexual harassment or intimidation. In light of these considerations and given that an employee might be called upon to teach, advise, evaluate, or supervise any student, Olin employees should be aware that Olin prohibits employees from engaging in sexual or romantic relations, even if consensual, with any current Olin student. Any employee engaging in sexual or romantic relations with a current student, even if consensual, may be found in violation of Olin's Sexual Misconduct Policy.
- 2. Relationships between Supervisory Employees and Others.** Romantic relationships that might be appropriate in other circumstances raise concerns when they occur between supervisors and individuals whom they supervise. Such relationships are fundamentally asymmetric and may raise concerns about validity of consent, conflict of interest, and fair treatment. In addition, such relationships may create the perception of inappropriate or inequitable professional advantage or favoritism that can adversely impact the working or learning environment and raise doubts about the integrity of work performed. Olin employees should be aware that romantic involvement with any employee over whom they have direct supervisory responsibility, even if consensual, is prohibited by this policy. Even when both parties have initially consented to such a relationship, it is the supervisor who, by virtue of their supervisory responsibility, will be held accountable for the unprofessional relationship or abuse of authority. The Title IX Coordinator, together with the Provost and Dean of Faculty with respect to faculty members, or the Director of Human Resources with respect to other

employees will make exceptions to this prohibition in appropriate circumstances, with implementation of any necessary measures to avoid conflicts or the appearance of conflicts of interest.

VII. How Olin Will Address Unlawful Discrimination and Harassment, including Sexual Misconduct and Retaliation.

Olin's commitment to non-discrimination includes an assurance that Olin rejects and condemns all forms of harassment, discrimination, retaliation, and disrespect on the basis of a person's race, religion, color, national origin, age, marital or parental status, veteran status, sex, disability, genetic information, sexual orientation, gender identity and other legally protected status. Olin follows through on that commitment, in part, through the implementation of its Sexual Misconduct Policy and process for investigating and resolving complaints. These policies and procedures apply to all Olin community members, and all members of the Olin community are responsible for being familiar with and abiding by the Sexual Misconduct Policy at all times.

A. Definitions of Prohibited Conduct Under Olin's Sexual Misconduct Policy

The following are the definitions of conduct that is prohibited under Olin's Sexual Misconduct Policy. If an individual has any questions about the definition or application of any of these terms, the Sexual Misconduct Policy in general, or the resources available to all member of the Olin community, please contact the Title IX Coordinator. The contact information for the Title IX Coordinator, as well as other resources who can provide support is located in Section IV and V.

Sexual Misconduct is a broad term used to encompass a range of behaviors including but not limited to sex discrimination, sexual harassment, sexual assault, sexual coercion, sexual exploitation, relationship violence (domestic violence and dating violence), stalking and/or acts perpetrated against a person's will or when a person is incapable of giving consent. All such acts of sexual misconduct are prohibited by Olin College. Sexual misconduct can occur between individuals who know each other, have an established relationship, have previously engaged in consensual sexual activity, and/or between individuals who do not know each other. Sexual misconduct can be committed by persons of any gender identity and can occur between people of the same or different biological sex or gender identity.

Sex Discrimination: An intentional or unintentional act that adversely affects employment and/or educational opportunities because of a person's sex, gender identity, sexual orientation and/or marital or parental status. Discrimination may be classified as either disparate impact (facially neutral practices that fall more harshly on one group than another and cannot be justified by business necessity) or disparate treatment (treatment of an individual that is less favorable than treatment of others based upon unlawful discriminatory reasons).

Sexual Harassment:

Sexual harassment consists of two basic types:

Quid Pro Quo Harassment: Any action in which submission to or rejection of unwelcome conduct of a sexual nature is made either explicitly or implicitly a term or condition of an individual's education, grades, recommendations, extracurricular programs or activities, and/or employment opportunities.

Intimidating or Hostile Environment: Any unwelcome conduct of a sexual nature, including verbal expression, that is severe, persistent, or pervasive, and creates an intimidating, hostile, or offensive working or educational environment, or has the purpose or effect of unreasonably interfering with an individual's employment, academic performance, education, and/or participation in extracurricular programs or activities. This includes actions or expression targeting an individual's sex, sexual orientation, gender identity and gender expression.

A single or isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to provide a hostile environment, particularly if the harassment is physical.

In either type of sexual harassment noted above, the effect will be evaluated from both a subjective perspective, as well as the objective perspective of a reasonable person in the position of the person who experienced the conduct.

Forms of Sexual Harassment: In some cases, sexual harassment is obvious and may involve an overt action, a threat, or reprisal. In other instances, sexual harassment is subtle and indirect, with a coercive aspect that is unstated. Some examples include the following:

- Sexual harassment can occur between persons of equal power status (e.g., student to student, employee to employee) or between persons of unequal power status (e.g., employee to student, supervisor to employee). Although sexual harassment often occurs in the context of the misuse of power by the individual with the greater power, a person who appears to have less or equal power in a relationship can also commit sexual harassment.
- Sexual harassment can be committed by (or against) an individual or by (or against) an organization or group.
- Sexual harassment can be committed by an acquaintance, a stranger, or people who shared a personal, intimate, or sexual relationship.
- Sexual harassment can occur by (or against) an individual of any sex, gender identity, gender expression, or sexual orientation.
- It does NOT have to include intent to harm, be directed at a specific target, or involve repeated incidents.

While it is not possible to list all circumstances that may constitute sexual harassment, the following are some examples of behavior that might be considered sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

- Unwanted sexual innuendo, propositions, sexual attention or suggestive comments and gestures; inappropriate humor about sex or gender-specific traits; sexual slurs or derogatory language directed at another person's sexuality, gender, gender identity, sexual orientation or gender expression; insults and threats based on sex, gender, gender identity, sexual orientation or gender expression; and other oral, written or electronic communications of a sexual nature that an individual communicates is unwanted and unwelcome.
- Written graffiti or the display or distribution of sexually explicit drawings, pictures, or written materials; sexually charged name-calling; or the circulation, display, or creation of e-mails, text messages, or websites of a sexual nature.
- Display or circulation of written materials or pictures degrading to an individual or gender group where such display is not directly related to academic freedom, or an educational/pedagogical, artistic, or work purpose. When an instructor determines it is necessary to include such materials in classroom instruction, discussion, or required studies/ reading, it is expected that the instructor will offer prior warnings concerning the intent to display or introduce such explicit materials. Instructors are encouraged to attempt to accommodate individuals who find such materials upsetting or triggering by allowing for alternative means of fulfilling course requirements.
- Unwelcome physical contact or suggestive body language, such as touching, patting, pinching, hugging, kissing, or brushing against an individual's body.
- Undue and unwanted attention, such as repeated flirting, objectively inappropriate or repetitive compliments about physical attributes or clothing, staring, or making sexually oriented gestures.
- Physical coercion or pressure of an individual to engage in sexual activity or punishment for a refusal to respond or comply with sexual advances.

- Use of a position of power or authority to: (1) threaten or punish, either directly or by implication, for refusing to tolerate harassment, for refusing to submit to sexual activity, or for reporting harassment; or (2) promise rewards in return for sexual favors.
- Acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex, sexual orientation, gender identity, or sex-stereotyping.

Sexual Violence: Physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. Physical sexual acts include, but are not limited to, vaginal or anal penetration, however slight, with a body part or object, or oral copulation by mouth-to-genital contact. This definition includes sexual assault, rape, sexual battery, and sexual coercion. Sexual violence may involve individuals who are known to one another or have an intimate and/or sexual relationship (relationship violence) or may involve individuals not known to one another.

Sexual violence can be committed by any person against any other person, regardless of gender, gender identity, sexual orientation, or past or current relationship status. Sexual violence may occur with or without physical resistance or violence.

- **Sexual Assault:** Sexual assault is any unwanted or intentional sexual contact without consent, whether such contact directly touches skin or is through clothing. This includes any sexual contact with the breasts, buttocks, groin, genitals, mouth, and/or other body part of an individual. Touching another individual with the above-mentioned body part(s) or making another individual touch themselves is sexual assault. Additionally, disrobing, exposure of an individual's body without that individual's consent, or attempting nonconsensual sexual intercourse is sexual assault.
- **Rape:** Rape is a form of sexual assault involving sexual penetration without consent. Rape is defined as: (a) any sexual penetration of the vagina or anus, however slight, with any object or body part without consent; or (b) any penetration of the mouth, however slight, by any sex organ or object used in a sexual manner without consent.
- **Fondling:** Fondling is the touch of the private body parts of another individual for the purpose of sexual gratification without consent. This includes instances where the individual being touched is incapable of giving consent because of their temporary or permanent mental incapacity.

Other Inappropriate Sexual Contact: Having or attempting to have sexual contact of any kind other than that defined as "Sexual Violence" with another individual without consent. Other inappropriate sexual contact may include kissing, touching, or making other inappropriate contact with the breasts, genitals, buttocks, mouth, or any other part of the body that is touched in a sexual manner and without permission.

Consent and Sexual Coercion:

Consent is the affirmative and willing agreement to engage in a specific form of sexual contact with another person who is capable of giving consent. Consent cannot be obtained through: (a) the use of coercion, or (b) by taking advantage of the incapacitation or impairment of another individual, including someone who is underage, unconscious, asleep, incapacitated, or impaired by intoxication or drugs. Consent requires an outward demonstration, through mutually understandable words or actions, indicating that an individual has chosen freely to engage in a sexual contact.

Sexual Coercion is defined for purposes of this section as the application of unreasonable pressure to take part in sexual activity or in any of the prohibited conduct listed in Olin's Sexual Misconduct Policy. Unreasonable pressure can be exerted through physical or emotional force, intimidation, misuse of authority, or outright threats. When someone makes it clear that they do not want to engage in sexual activity or do not want to go beyond a certain point of sexual interaction, continued pressure beyond that point may be considered coercive. Ignoring or dismissing the objections of another person may also be a form of coercion.

Silence, passivity, or the absence of resistance does not imply consent. Relying solely on non-verbal communication may result in confusion about whether there is effective consent. It is important not to make assumptions. If confusion or ambiguity arises during a sexual interaction, it is essential that each participant stops and verbally clarifies the other's willingness to continue.

Consent can be withdrawn at any time. When consent is withdrawn, sexual activity must cease. Prior consent does not imply current or future consent; even in the context of an ongoing relationship, consent must be sought and freely given for each instance of sexual contact. An essential element of consent is that it be freely given.

In evaluating whether consent was given, consideration will be given to the totality of the facts and circumstances including, but not limited to, the extent to which an individual affirmatively uses words or actions indicating a willingness to engage in sexual contact, free from intimidation, fear, or coercion; whether a reasonable person in the position of the individual alleged to have committed the conduct would have understood such person's words and acts as an expression of consent; and whether there are any circumstances, known or reasonably apparent to the individual alleged to have committed the conduct, demonstrating incapacitation or fear.

Incapacitation is the inability, temporarily or permanently, to give consent, because the individual is mentally and/or physically helpless due to drug or alcohol consumption, taken either voluntarily or involuntarily, or the individual is unconscious, asleep or otherwise unaware that the sexual activity is occurring. In addition, an individual is incapacitated if they demonstrate that they are unaware of where they are, how they arrived at a location, or why or how they became engaged in a sexual interaction. Where alcohol is involved, incapacitation is a state beyond drunkenness or intoxication.

Sexual Exploitation: Any act committed through non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, personal benefit or advantage or any other illegitimate purpose. Sexual exploitation may involve individuals who are known to one another, have an intimate or sexual relationship, or may involve individuals not known to one another. Examples include, but are not limited to, observing another individual's nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved.

- **Inducing Incapacitation:** This includes the provision of alcohol or drugs to an individual, with or without that individual's knowledge, for the purpose of causing impairment or intoxication or taking advantage of that individual's impairment or intoxication.
- **Media-Based Misconduct:** Photographing or taping someone (via audio, video or otherwise) involved in sexual activity, or in a state of undress, without their knowledge or consent. Even if a person consented to sexual activity, photographing or taping someone without their knowledge and agreement goes beyond the boundaries of that consent. Dissemination of photographs or video/audio of someone involved in sexual activity, or in a state of undress, without their knowledge or consent constitutes a separate and additional act of sexual misconduct.
- **Miscellaneous:** The inappropriate behaviors listed above are not an exhaustive list. Olin may consider any other conduct that has a sexual or gender-based connotation under Olin's Sexual Misconduct Policy.

Relationship Violence (Domestic Violence and Dating Violence):

Relationship violence is any unwanted or intentionally violent or controlling behavior of one individual by a person who is currently or was previously in an intimate relationship with that individual. Relationship violence may include actual or threatened physical injury, sexual violence, psychological or emotional abuse, coercion, manipulation, intimidation, and/or progressive social isolation towards a partner in a current or former intimate relationship. With regards to Olin's Sexual Misconduct Policy, the term "intimate relationship" refers to marriage, domestic partnership, engagement, casual or serious romantic involvement, and dating.

Relationship violence can occur between individuals of any sex, gender identity and/or sexual orientation, and can occur in any type of intimate relationship including monogamous, non-committed, and relationships involving more than two partners. Relationship violence can also be a single act or a pattern of behavior.

Relationship violence can take many forms. Examples include, but are not limited to, situations in which behaviors are directed toward a partner in a current or former intimate relationship such as: hitting, kicking, punching, strangling, or other violence; property damage; threat of violence to one's self, one's partner, or the family members, friends, pets, or personal property of the partner; threat to disclose personal or sensitive information; preventing contact with family or friends; and depriving the partner access to their residence.

Stalking is more than one instance of unwanted attention, harassment, physical or verbal contact, or any other course of conduct directed at an individual that could be reasonably regarded as likely to alarm or place that individual in fear of harm or injury, including physical, emotional, or psychological harm. This includes cyber-stalking, a particular form of stalking in which electronic media such as the internet, social networks, blogs, texts or other similar forms of contact are used to pursue, harass, or make unwelcome contact with another person. Stalking and cyber-stalking may involve individuals who are known to one another or have an intimate or sexual relationship or may involve individuals not known to one another.

Retaliation:

Engaging in conduct that may reasonably be perceived to:

- Adversely affect a person's educational, living, or work environment because of their good faith participation in the reporting, investigation, and/or resolution of a report of a violation of Olin's Sexual Misconduct Policy; or
- Discourage a reasonable person from making a report or participating in an investigation under Olin's Sexual Misconduct Policy, any other Olin College policy, or any other local, state, or federal complaint process (e.g., filing a complaint with an entity like the U.S. Department of Education).

Retaliation includes, but is not limited to, acts or words that constitute intimidation, threats, or coercion intended to pressure any individual to participate, not participate, or provide false or misleading information during any proceeding under Olin's Sexual Misconduct Policy. Retaliation may include abuse or violence, other forms of harassment, and/or making false statements about another person in print or verbally with intent to harm their reputation.

Retaliation can be committed by any individual or group of individuals, not just a Responding Party or a Complaining Party. Retaliation may constitute a violation of Olin's Sexual Misconduct Policy, even when the underlying report made did not result in a finding of responsibility. Retaliation, even in the absence of provable discrimination or harassment in the original complaint or charge, constitutes a serious violation of this policy.

Other Violation: Engaging in other conduct which is prohibited by Olin's Sexual Misconduct Policy (e.g., recording the proceedings) or failure to comply with a duty or obligation set forth in, or imposed pursuant to, this Policy (e.g., duty of honesty, duty of cooperation or duty to report).

B. State Law Definitions

The following are excerpts compiled from the Massachusetts General Laws that describe how certain relevant behavior is defined in Massachusetts. These definitions are not identical to the definitions of conduct prohibited in Olin's Sexual Misconduct Policy, but Olin considered these definitions in developing its Policy.

Sexual Harassment: (Compiled from M.G.L. Ch. 151B)

“Sexual harassment” means sexual advances, requests for sexual favors and verbal or physical conduct of a sexual nature when:

- Submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or enrollment or is used as a basis for employment or educational decisions, placement services or evaluation of academic achievement; or
- Such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual’s work or educational performance by creating an intimidating, hostile, humiliating or sexually offensive work or educational environment.

Sexual Assault (Rape, Indecent Assault & Battery): (Compiled from M.G.L. Ch. 265, § 13 & 22)

Sexual assault is defined under Massachusetts law as rape or indecent assault and battery.

Rape is defined as occurring when a person has “sexual intercourse or unnatural sexual intercourse with a person, and compels such person to submit by force and against his will, or compels such person to submit by threat of bodily injury and if either such sexual intercourse or unnatural sexual intercourse results in or is committed with acts resulting in serious bodily injury, or is committed by a joint enterprise...”

Indecent assault and battery occur when one person touches another person in an “indecent” way. Examples of indecent assault and battery include touching a person’s buttocks, breasts, or genitals without consent. The Commonwealth must prove that the defendant touched the alleged victim without justification or excuse; and that the touching was “indecent;” and that the alleged victim did not consent.

An indecent act is one that is fundamentally offensive to contemporary standards of decency.

Stalking: (Compiled from M.G.L. Ch. 265, § 43)

The act of “willfully and maliciously engaging in a knowing pattern of conduct or series of acts over a period of time directed at a specific person which seriously alarms or annoys that person and would cause a reasonable person to suffer substantial emotional distress and makes a threat with the intent to place the person in imminent fear of death or bodily injury.” Stalking includes, but is not limited to, acts or threats conducted by mail or by use of a telephonic or electronic communication device. Communications include, but are not limited to, electronic mail, internet communications, instant messages or facsimile communications.

Domestic and Dating Violence: (Compiled from M.G.L. Ch. 209A)

“Abuse” is defined as “the occurrence of one or more of the following acts between family or household members:

- Attempting to cause or causing physical harm;
- Placing another in fear of imminent serious physical harm; or
- Causing another to engage involuntarily in sexual relations by force, threat, or duress.”

Family or household members are defined as “persons who:

- Are or were married to one another;
- Are or were residing together in the same household;
- Are or were related by blood or marriage;

- Have a child in common regardless of whether they have ever married or lived together; or
- Are or have been in a substantive relationship, which shall be adjudged in consideration of the following factors: (1) the length of time of the relationship; (2) the type of relationship; (3) the frequency of interaction between the parties; and (4) if the relationship has been terminated by either person, the length of time elapsed since the termination of the relationship.”

Consent: (not defined by M.G.L. in this context)

In Massachusetts, it is illegal to have sex under any circumstances with someone who is incapable of giving consent due to incapacity or impairment; incapacity or impairment may be caused by intoxication or drugs, or because a victim is underage, mentally impaired, unconscious, or asleep. For purposes of the Olin Sexual Misconduct Policy, consent is an explicitly communicated, reversible, mutual agreement to which all parties are capable of making a decision.

Massachusetts has several laws that define the age of consent and the additional penalties that attach if a person is under the age of 16 or 14. E.g., statutory rape laws, indecent and assault and battery on a person under the age of 14.

Retaliation: (Referenced by M.G.L. in various contexts, e.g., Chap. 151B.)

Retaliation is frequently addressed by the U.S. Department of Education’s Office for Civil Rights (OCR). OCR’s legal standard for addressing retaliation claims is as follows:

A claim for retaliation must establish several elements. First, the facts must indicate that the complaining party engaged in a protected activity, i.e., exercised a right or took some action that is protected under the laws OCR enforces, including Title IX. Second, the institution must be on notice of the protected activity. Third, the institution must take an adverse action against the complaining party. And fourth, there must be a causal connection between the protected activity and the adverse action. If any of these four elements cannot be established, then a claim of retaliation cannot be substantiated. If, on the other hand, all four elements are established, then OCR next analyzes whether there is a legitimate non-discriminatory reason for the retaliatory action in question. If no legitimate non-discriminatory reason is put forward, or if the reason is found to be a mere pretext for retaliation, then OCR may find that there was retaliation.

C. Process for Investigating and Resolving Complaints

This section describes how Olin will: 1) investigate a report that activates the Title IX process, 2) detail conduct that could violate Olin’s Sexual Misconduct Policy, and 3) determine what, if any, safety measures and/or disciplinary sanctions exist for individuals found responsible for violating Olin’s Sexual Misconduct Policy.

1. Initial Steps: Report of Allegation(s) and Interim Measures

Upon receiving a report of conduct that could fall under Olin’s Sexual Misconduct Policy, the Title IX Coordinator will assess the need to take any immediate action to address the safety and health needs of the Complaining Party⁵ and the Olin community. The initial assessment is a preliminary

⁵ The individual who experienced the conduct that may have violated Olin’s Sexual Misconduct Policy will be referred to as the “Complaining Party.” The Individual who is alleged to have violated Olin’s Sexual Misconduct Policy will be referred to as the “Responding Party.” When the Complaining and Responding party are discussed collectively, they will be referred to as the “Parties” and “Party.” There may be an instance where another individual, who has not experienced but is aware of the occurrence of prohibited conduct, may bring a complaint under Olin’s Sexual Misconduct Policy. This individual is referred to as the “Reporting Party.” In specific circumstances, Olin will determine which of the protections provided to the Complaining Party under Olin’s Sexual Misconduct Policy are also applicable to the Reporting Party.

action to determine the next steps for investigating the reported conduct and the need for any interim measures; it is not part of the investigation.

Interim measures are individualized services offered as appropriate to either or both Parties involved in the alleged incident of sexual misconduct, prior to an investigation or while an investigation is pending. The measures needed by either or both of the Parties may change over time, and the Title IX Coordinator will communicate with the Parties throughout the investigation to ensure that any interim measures are necessary and effective based on the Parties evolving needs. Examples of interim measures, with respect to sexual misconduct, include counseling, no-contact directives, requests for academic and/or work adjustments, changes to living, dining, transportation, working and/or immigration situations, statutorily-provided leave to employees pursuant to M.G.L. c. 49, § 52D, and other similar accommodations.

This initial process may include, but is not limited to, the following:

- a. The Title IX Coordinator will contact the Complaining Party and encourage them to meet to discuss the nature and circumstances of the reported conduct, review relevant documentation that is available, and address the need for any interim measures.
- b. The Title IX Coordinator will assess the reported conduct to determine whether circumstances pose a threat to the health or safety of the College community that warrants issuance of a timely warning, a stay-away order for any person, or any other interim protections, including, but not limited to, temporary suspension of a student, placing an employee on leave, or restricting any individual from other privileges prior to completing an investigation. During the interim action, Olin reserves the right to prohibit the individual from entering Olin property or participating in any Olin activities, absent of written authorization from an appropriate College official. The failure of an individual to comply with an interim restriction is a violation of Olin's Sexual Misconduct Policy and may lead to additional disciplinary action. The decision to impose interim restrictions will be communicated by the Title IX Coordinator and will be effective immediately.
- c. The Title IX Coordinator will notify the Complaining Party about the availability of Olin's Sexual Misconduct Policy as well as the right to report or the right to decline to report the matter to Public Safety and/or local law enforcement. A report to Public Safety or local law enforcement will not change Olin's obligation to potentially investigate the matter but it may briefly delay the timing of an investigation if a law enforcement agency requests that the College delay its process for a reasonable amount of time to allow it to gather evidence of criminal conduct.
- d. The Title IX Coordinator will notify the Complaining Party of the available resources for seeking medical treatment, counseling, spiritual guidance, or other interim measures. See Section IV and V.
- e. If the Title IX Coordinator determines the reported conduct could, in any way, trigger Olin's Sexual Misconduct Policy, they will contact the Complaining Party to discuss that determination. In collection with allegations of sexual misconduct, if, at any time, the Complaining Party requests that the process not move forward, Olin will weigh that request against its obligation to address any risk of harm to the Complaining Party or other individuals in the community and the nature of the incident or conduct at issue. Except in limited circumstances, in which the Complaining Party's request not to proceed to investigation is granted, the Title IX Coordinator will proceed to Section VII.C.3. For further information please see Section VI.A.

- f. If the Title IX Coordinator determines that the reported conduct would not, in any way, trigger the Sexual Misconduct Policy, they will advise the Complaining Party of such and refer the reported conduct to the appropriate office for addressing, consistent with their policy. If, however, new information is subsequently provided, the reported conduct may be reevaluated to determine whether an investigation is warranted.

2. Optional Informal Resolution Procedures

The following Informal Resolution Procedure *may not* be used in an effort to resolve allegations of sexual violence, other inappropriate sexual contact, inducing incapacitation, and stalking or relationship violence, as each of these terms are defined in Section VII.A.

At any time prior to the Title IX Coordinator review of the investigative report, a Party may request an informal resolution of the complaint. All Parties and the Title IX Coordinator must agree to informal resolution for this option to be used. The Title IX Coordinator will assess the request for an informal resolution against the severity of the alleged violation and the potential risks to Olin community members. If the Title IX Coordinator determines that an informal resolution is appropriate, the Title IX Coordinator will notify the Parties. The Title IX Coordinator will facilitate a dialogue with the Parties in an attempt to reach a resolution. The allegation will be deemed resolved when the Parties expressly agree to an outcome that is acceptable to them, which is approved by the Title IX Coordinator in consultation with other appropriate College administrators. A Party may withdraw from the informal resolution process at any time. The Title IX Coordinator may also reinstate an investigation at any time they deem appropriate.

3. The Investigation Phase

- a. **Notice of an Investigation.** If it is determined that the reported conduct could trigger Olin's Sexual Misconduct Policy and an investigation is required, the Title IX Coordinator will prepare a written notice to the Complaining Party and Responding Party that will include a brief description of the allegations, the portions of Olin's Sexual Misconduct Policy that are alleged to have been violated, and any interim measures in place for which either Party must be made aware. This written notice does not constitute a finding or a determination of responsibility. Additionally, the Responding party may also request interim measures during the investigation.
- b. **Information about Advisers in Connection with Allegations of Sexual Misconduct.** In connection with an allegation of sexual misconduct involving sexual violence, or other inappropriate sexual contact, relationship violence or stalking⁶, each Party may have a single adviser of their choice present during any Olin sexual misconduct disciplinary proceedings, including any related meeting or interview held, pursuant to the Sexual Misconduct Policy. Advisers may not participate actively while present at any disciplinary proceeding and may not speak or otherwise communicate on the part of the Party that they represent. However, the adviser may ask to suspend any meeting or interview briefly to provide private consultation related to the disciplinary proceeding in progress. An adviser is subject to the same confidentiality expectations applicable to others in attendance. Accommodations, including scheduling of interviews or reviews, generally will not be made for any advisers if they unduly delay the process. Without prior approval of the Title IX Coordinator, as determined in their sole discretion, the adviser is not permitted to attend a meeting or proceeding without the Party. Olin reserves the right to take appropriate action regarding any adviser who disrupts the process, or who does not abide by the restrictions on their participation as determined in the sole discretion of the Title IX Coordinator. A union-represented employee

⁶ Advisers are not permitted in connection with investigations of any other allegations of violations of Olin's Sexual Misconduct Policy.

who is the Responding Party may choose an adviser who is not a union representative, if the Responding Party does not desire to have the union representative participate in the proceeding.⁷

- c. **Support Services and Resources.** The Parties should review Section IV and V regarding the available support services and resources at Olin. At the request of either Party or witness, the Title IX Coordinator can provide additional information on the support services, resources, and options available.
- d. **Designation of Investigator.** The Title IX Coordinator will designate at least one investigator to conduct a prompt, fair, and impartial investigation of the reported conduct and prepare a report of investigative finding (the “Investigative Report”). At Olin’s discretion, the investigator may be an external investigator and more than one investigator may be assigned. All investigators will be selected from a group of qualified and trained individuals engaged by Olin for the purpose of conducting investigations under Olin’s Sexual Misconduct Policy. The Title IX Coordinator will provide the Parties with the name of the investigator(s) assigned to investigate the reported conduct. As soon as possible, but no later than three (3) calendar days after notification of the identity of the Investigator(s), the Parties should inform the Title IX Coordinator (in writing) of any conflicts of interest with regard to the selected Investigator(s). The Title IX Coordinator will consider the nature of the conflict and determine if different investigator(s) should be assigned. The Title IX Coordinator’s decision regarding any conflicts is final. The Title IX Coordinator may consult with other Olin employees (e.g., the Dean of Students and/or Director of Human Resources) to discuss any conflicts of interest.
- e. **Nature of the Investigation.** The investigation will include separate interviews with the Complaining Party, the Responding Party, and any witnesses whom the Investigator(s) believe will provide necessary and relevant information. The investigation may include review of documentation or other items relevant to the reported conduct. The Investigator(s) will provide the Parties with written notices of meetings in which their presence is required.
- f. **The Parties’ Identification of Potential Witness and Documentation.** The Parties have the opportunity to identify potential witnesses who have specific information about the reported conduct and with whom they would like the Investigator(s) to speak. The Parties also have the opportunity to provide the Investigator(s) with any documentation or other items or questions they would like to be considered. All information described in this section must be presented to the Investigator(s) in writing and include a brief description as to how the persons, documents, and/or items are relevant to the reported conduct. This information must be provided to the Investigator(s) during the Investigation Phase and without delay upon becoming aware of it. The Investigator(s) will exercise discretion in their determination of what information to consider and which potential witnesses identified by the Parties can provide relevant information to the investigation.
- g. **Investigation Prohibitions.** Neither Party will be permitted to question or cross-examine the other Party directly during the investigation or disciplinary proceedings. Moreover, the Investigator(s) generally will not gather or consider information related to either Party’s sexual history outside of the conduct in question.
- h. **Responding Party Voluntary Agreement to Policy Violation.** At any point prior to the Title IX Coordinator’s review of the investigative report, a Responding Party may agree, in

⁷ Olin’s Sexual Misconduct Policy is not intended to undermine or alter any rights afforded to a union-represented employee, as provided by applicable law or any collective bargaining agreement, including, but not limited to, a union-represented employee’s Weingarten rights.

writing, to 1) the alleged violation(s) of Olin Sexual Misconduct Policy and 2) proposed sanction, in cases of sexual harassment not involving sexual violence, other inappropriate sexual contact, sexual exploitation, stalking or relationship violence. In cases of sexual violence, other inappropriate sexual contact, sexual exploitation, stalking or relationship violence, the Title IX Coordinator will determine and impose sanction(s) pursuant to Section VII.C.5.a below.

4. Investigative Report and Determination of Responsibility by Title IX Coordinator

- a. Content of the Investigative Report.** At the conclusion of the Investigation Phase, the Investigator(s) will prepare an Investigative Report, which would include a summary of the factual information presented during the Investigation Phase, a separate section where the Investigator(s) point out relevant consistencies or inconsistencies (if any) between different sources of information, and a separate section describing the Investigator(s)' perception of the demeanor of the individuals interviewed. The Investigative Report will not include a determination by the Investigator(s) as to whether a Party has violated Olin's Sexual Misconduct Policy or what sanctions may be appropriate. These determinations will be made by the Title IX Coordinator, as described below.
- b. Review by the Parties.** The Parties will have an opportunity to review the Investigative Report and may submit written comments about the content of the Investigative Report to the Investigator(s) within five (5) calendar days of the date they are notified that the Investigative Report is available for review. This review will take place at a secure location and in a secure manner determined by the Title IX Coordinator. The time to submit written comments can be extended for a brief period if the Title IX Coordinator concludes, in their sole discretion, that additional time is warranted. Likewise, the secure location and manner of reviewing the Investigative Report can be modified if the Title IX Coordinator deems it necessary and appropriate. Each Party may have their adviser review the Investigative Report with them. Photographs or any other copies of the Investigative Report are not allowed by either Party or adviser. The comments submitted by the Parties may not exceed ten (10) double spaced pages unless a higher page limit is otherwise determined to be necessary and appropriate in the sole discretion of the Title IX Coordinator. After reviewing the submissions, if any, from the Parties, the Investigator(s) may determine that either additional investigation is required, or no further investigation is needed. If further investigation is conducted, the Investigator(s) will include any additional relevant information in the Investigative Report. The Investigative Report will then be submitted to the Title IX Coordinator. Any submissions made by either Party pursuant to this section, as well as any other documentation deemed relevant by the Investigator(s), will be attached to the Investigative Report.
- c. Review and Determination by the Title IX Coordinator.** The Title IX Coordinator will make a determination as to whether or not the Responding Party is responsible for violating Olin's Sexual Misconduct Policy by having engaged in some or all of the reported conduct. The Title IX Coordinator has the authority to accept the Investigative Report without seeking additional investigation, or to ask the Investigator(s) to conduct additional investigation on specific points. The Title IX Coordinator in their discretion, may invite the Investigator(s) to attend a meeting if they believe it would be helpful to ask the Investigator(s) any questions arising from the Investigative Report. The Title IX Coordinator also has the authority, in their discretion, to speak directly with any persons identified in the Investigative Report. The Title IX Coordinator, as the ultimate decision-maker in the matter, is provided broad discretion.
- d. Notification of Decision.** Upon reaching a determination of responsibility, the Title IX Coordinator will draft a written notification of the decision. If sanctions are necessary, they

will be assigned in accordance with Section VII.C.5 below. The notification will consist of a brief statement of the allegations and the determinations made by the Title IX Coordinator.

- e. **Standard of Proof.** All findings and determinations of responsibility under Olin's Sexual Misconduct Policy will be made using a preponderance of the evidence standard. This standard requires the determination of whether it is more likely than not (>50%) that a fact exists or that a violation of Olin's Sexual Misconduct Policy occurred.

Please note that the preponderance of the evidence standard is not the standard used for criminal culpability in most jurisdictions, and a determination of responsibility under Olin's Sexual Misconduct Policy does not equate with a finding of a violation of criminal laws. Conversely, lack of a prosecution or conviction in a criminal proceeding does not necessarily imply that Olin's Sexual Misconduct Policy was not violated. The two procedures are significantly different and utilize different standards for determining violations.

- f. **Student Group, Organizations Teams, and Team Leaders.** A student group, organization, team, or team leader may be held responsible for a violation of Olin's Sexual Misconduct Policy when one or more members of the group or other individuals associated with the group, organization or team are found responsible for a violation of Olin's Sexual Misconduct Policy and the Title IX Coordinator separately determines that:

- Members of the group, organization or team acted in concert with respect to misconduct;
- The individual found responsible for committing the misconduct was either acting on behalf of the group, organization or team or engaged in an activity sponsored, financed or endorsed by the group, organization or team or its leaders;
- The misconduct arises from, occurs during, or is related to any activity or event sponsored, financed or endorsed by the group, organization or team;
- Any leader, officer, or team captain of group, organization or team had knowledge of the misconduct or incident before or while it occurred and failed to take corrective action; and/or
- A pattern of individual misconduct by members of the group, organization or team is found to exist.

The designated student leader or leaders (e.g., president, officer(s), or team captain(s)) shall represent the student group, organization or team throughout the process.

5. Determination of Sanctions

The Title IX Coordinator will determine the appropriate sanction in the event that the Responding Party is found responsible for violating Olin's Sexual Misconduct Policy. The determination will be in writing and shared simultaneously with the Parties as detailed in Section VII.C.6.

a. Types of Sanctions

- i. **Employees.** Sanctions imposed with respect to Responding Parties who are employees may include, but are not limited to, one or more of the following: dismissal from employment, non-renewal of an employment contract, suspension, probation, reprimand, warning, issuance of a no-contact order, training and/or counseling.
- ii. **Students.** Sanctions may include, but are not limited to, one or more of the following: expulsion, suspension, probation, reprimand, warning, restitution, education/counseling, issuance of a no-contact order, restriction from extracurricular

programs or activities, loss of leadership opportunity or positions in activities, housing restriction/relocation, and/or loss or restriction from College employment.

- iii. **Student Groups, Organizations, Teams, and Team Leaders.** Sanctions for groups, organizations, teams, and team leaders may include, but are not limited to, one or more of the following: suspension, revocation or denial of registration or recognition, probation, reprimand, warning, restitution, restriction, and/or educational directive.
- iv. **Considerations.** In determining an appropriate sanction, the Title IX Coordinator may take into account the following:
 - The nature and circumstances of the misconduct.
 - The impact of the misconduct on the Complaining Party.
 - The impact of the misconduct on the College community.
 - The disciplinary history of the Party deemed responsible.
 - Any other mitigating or aggravating circumstances in order to reach a fair and appropriate resolution in each case. Range of sanctions are typically imposed for similar violations.

The Title IX Coordinator reserves the right to broaden or lessen any range of recommended sanctions in the case of serious mitigating or aggravating circumstances. The appellate officer will not deviate from the range of recommended sanctions unless compelling justification exists to do so. See Section VII.C.7 and VII.C.7.a.

- v. **Additional Remedies.** The Title IX Coordinator may also identify additional remedies to address the effects of the conduct on the impacted Party. Remedies may include extending or making permanent any interim or safety measures. If a Complaining Party declined or did not take advantage of a specific service or resource previously offered, Olin may re-offer the service, as applicable or necessary. The Title IX Coordinator may also consider broader remedial action for the campus community, such as increased supervision or monitoring, targeted or increased education and prevention efforts, and review of policies and procedures. In addition, if any matter raised, but not addressed hereunder, potentially violates any other Olin policy, rule, or procedure, the Title IX Coordinator may refer the matter raised to the appropriate officials, irrespective of the finding under this Policy.

6. Notification of Investigation Outcome

The Title IX Coordinator will inform the Parties in writing of 1) the outcome of the disciplinary proceeding and 2) the procedures for either Party to appeal the result of the disciplinary proceeding. The Title IX Coordinator will also inform other Olin officials with a legitimate need to be made aware of the outcome of the finding. Notice to these other individuals will be accompanied with a request that the information should remain confidential except in situations in which disclosure is necessary to protect the safety of the community.

7. Appeals

Within three (3) business days of the delivery of the notice of the decision of responsibility and/or sanction, either Party may appeal the decision by submitting to the Title IX Coordinator a letter stating why the Party requesting the appeal believes the determination of responsibility and/or

sanctions were inappropriate. A Party appealing under this section may *only* appeal on the following grounds:

- **Procedural error** by the Investigator(s) or Title IX Coordinator that materially prejudiced the Party requesting review; and/or
- **Newly discovered material information** that was not known to the Party requesting review and not available to the Investigator(s) and Title IX Coordinator which likely would have changed the finding of responsibility or the sanction imposed, had it been available.

The Party submitting the appeal must set forth, in detail, the grounds for review and must attach all materials that they wish to have considered in the appeal process. The Title IX Coordinator will provide a copy of the appeal submitted by one Party to the other Party.

- a. **The Appellate Officer(s):** The Provost (or an impartial designee) will be the Appellate Officer. The Appellate Officer(s) will decide the merits of any appeal and, in doing so, may consult with the Investigator(s), the Title IX Coordinator, and any other individual the Appellate Officer(s) deem appropriate.

Sanctions of all types (including, but not limited to, any form of suspension, dismissal, or separation from the College) can be imposed, in full or in part, while an appeal is pending at the sole discretion of the Title IX Coordinator.

The Appellate Officer(s) may 1) deny the appeal and affirm all or part of the determination of responsibility or the determination of sanction or 2) refer the matter back to the Investigator(s) and Title IX Coordinator for further consideration, with specific instruction. In the event of a referral for further consideration, the Title IX Coordinator will be consulted, and further proceedings may commence, as appropriate under the circumstances, consistent with Olin's Sexual Misconduct Policy.

The decision of the Appellate Officer(s) regarding the appeal will be in writing and is final. The Title IX Coordinator will inform the Parties simultaneously and in writing of the outcome of the appeal.

8. Timeframe for Completion of Investigation and Disciplinary Process

Olin's overarching goal is that all complaints be investigated in a prompt, fair, and impartial manner. The U.S. Department of Education (DOE) has made clear that the length of investigations may vary with the complexity and unique factors in each case. Examples of such factors include, without limitation, circumstances in which critical witnesses are unavailable, law enforcement requests that Olin temporarily halt its investigation for a brief period of time, and/or an appeal.

9. Additional Matters

- a. **Duty of Truthfulness.** All Parties and witnesses are obligated to be completely truthful during the course of the entire process set forth in Olin's Sexual Misconduct Policy. Any person who knowingly makes a false statement, either explicitly or by omission, in connection with any part of the process, may be subject to separate disciplinary action. A report made in good faith, however, is not considered false merely because the evidence does not ultimately support or refute the allegation of violation of the policy.
- b. **Duty of Cooperation.** All Parties and witnesses are obligated to cooperate with the Title IX Coordinator and any persons charged with implementing Olin's Sexual Misconduct Policy

and these procedures. Any person who knowingly interferes with the actions taken to implement the reporting, investigation, or resolution of matters under Olin's Sexual Misconduct Policy may be subject to separate and/or additional disciplinary action.

- c. **Respect for Privacy.** Olin values the privacy of individuals involved in the reporting, investigation, and/or resolution of matters subject to Olin's Sexual Misconduct Policy. The U.S. Department of Education (DOE) has provided guidance indicating that there are situations in which it may be necessary for an institution to override a request for privacy or confidentiality in order to meet its obligations under the law. In the event that circumstances result in Olin overriding a request for privacy or confidentiality to meet its obligations, Olin will do so with the utmost sensitivity and respect for the circumstances and the individuals involved. See Section VI.A.1.

It is expected that all Parties involved maintain strict confidentiality of any related content or information associated with Title IX proceedings. Failure to do so may constitute an act of retaliation. See section VII.C.9.F below.

- d. **Participation in Proceeding.** To enable the most accurate and fair review of the facts, the respondent is expected to attend and participate in meetings during the course of an investigation under Olin's Sexual Misconduct Policy. If an individual chooses not to attend one or more meetings, the allegations will be reviewed on the basis of the information and evidence available, and a decision will be made. Although no inference may be drawn against an individual failing to attend a meeting or remaining silent, the process will proceed, and the conclusion will be based on the evidence presented. No decision shall be based solely on the failure of the respondent to attend one or more meetings, to participate in such meeting(s) or to answer the allegations.
- e. **Recording the Proceeding.** The Parties are not permitted to make video, audio, or other electronic, photographic, or digital recordings of any meetings or proceedings held under Olin's Sexual Misconduct Policy or these procedures, including the Investigative Report. The Title IX Coordinator may make exceptions to this prohibition in limited circumstances if they conclude, in their sole discretion, that a recording is warranted, and upon written request of the Party seeking the recording that explains the need for the recording.
- f. **Follow-up with Reporting Party.** Where the Title IX Coordinator deems appropriate, they may contact the Reporting Party to provide an update on the process, the timing and extent of which will be determined by the Title IX Coordinator and depend upon the nature of the allegations and the situation.
- g. **Prohibition against Retaliation.** The College will not tolerate retaliation in any form against any persons for their participation or involvement in the reporting, investigation, and/or resolution of matters reported or subject to Olin's Sexual Misconduct Policy, including retaliation against the Title IX Coordinator. The College will take appropriate steps to prevent and/or address retaliatory conduct immediately. The College includes retaliation in its definition of prohibited conduct under Olin's Sexual Misconduct Policy. See Section VII.A.
- h. **Accommodations for Students with Disabilities.** Reasonable accommodations will be provided to an individual with disabilities in accordance with applicable law. An individual with a disability who requires an accommodation for any meeting or process under Olin's Sexual Misconduct Policy must request an accommodation through the Title IX Coordinator. The Title IX Coordinator, in possible consultation with the Assistant Dean of Student Affairs (student accommodations) or Human Resources (employee accommodations), will make a determination regarding the request and notify the appropriate parties.

- i. Amnesty for Student Reporting Sexual Misconduct.** Olin encourages reporting under Olin’s Sexual Misconduct Policy and seeks to remove barriers to reporting. Students may be hesitant to report sexual violence, relationship violence or stalking out of a concern that they, or witnesses, might be charged with violations of Olin’s policy prohibiting the use of drugs or alcohol. While Olin does not condone such behavior, Olin places a priority on the need to address sexual misconduct. Olin, generally, will not hold a student who in good faith reports or is a witness during an investigation responsible under Olin’s Sexual Misconduct Policy. Under limited circumstances, a person who reports conduct under the Sexual Misconduct Policy may be held accountable for their own misconduct if it is determined that 1) the behavior placed the health and safety of any person at risk or 2) if the behavior created a danger to the Olin community. Olin retains the right to require students to attend counseling or drug/alcohol related courses even in circumstances in which disciplinary conduct will not be pursued under Olin’s Sexual Misconduct Policy.
- j. Record Retention.** Title IX related files are maintained separately from any other academic, employment or official file at Olin by the Title IX Coordinator. Generally, records will be retained for seven (7) years after the date of an incident unless 1) Olin is mandated to maintain the record in compliance with federal, state, or local law or Olin policy and/or 2) the case resulted in an expulsion, termination or rescission of acceptance, in which case the individuals entire Title IX file will be retained indefinitely.
- k. Special Situations.** Olin retains the right to determine, in its sole discretion, if it will address a report of conduct under Olin Sexual Misconduct Policy administratively and outside of the process described herein when the safety of the Olin community is at risk, if the material facts are undisputed, if there are extenuating circumstances involving either of the Parties, or if the Title IX Coordinator, in consultation with appropriate administrators, determines it is in the best interest of the College and/or the community to do so.