

Olin College Sexual and Interpersonal Misconduct and Title IX Policy and Procedure

Olin College is committed to providing a safe learning and working environment for all community members, guests, and visitors. Olin has adopted policies and procedures to prevent and respond to incidents of sexual and interpersonal misconduct. This policy has been developed to reaffirm the values of our community and to provide transparency about Olin's sexual and interpersonal misconduct adjudication processes.

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I. STATEMENT OF VALUES & COMMITMENT TO NON-DISCRIMINATION

Sexual and interpersonal misconduct as defined and prohibited by this policy violates 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 or interpersonal misconduct through safe bystander intervention. Olin is committed to providing an environment of well-being, learning, and accountability for its members by preventing the occurrence of sexual and interpersonal misconduct and addressing its effects.

The College follows through on that commitment, in part, through the implementation of a Sexual and Interpersonal Misconduct Policy that defines prohibited conduct and the process by which the College will address such conduct in different circumstances. Olin College's Sexual and Interpersonal Misconduct Policy is composed of several components:

- Definitions of Prohibited Sexual and Interpersonal Conduct Covered by Title IX
- Definitions of Prohibited Sexual and Interpersonal Conduct Not Covered by Title IX
- The College's Response to Reports of Sexual and Interpersonal Misconduct
- Process for Resolving Formal Complaints Covered by Title IX
- Process for Resolving Complaints of Sexual and Interpersonal Misconduct Not Covered by Title IX

The Sexual and Interpersonal 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 and Interpersonal Misconduct Policy at all times.

Olin will also provide resources for the community on the Sexual and Interpersonal 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. Under the 2021 Massachusetts Campus Sexual Assault Law, each college must appoint at least one (1) Confidential Resource Provider. A Confidential Resource provider is an employee of the college who is not required by Title IX to report to the Title IX Coordinator. The role of the Confidential Resource Provider is to provide supportive measures, information about Olin-specific resources and external resources, and information about Olin's Sexual and Interpersonal Misconduct Policy.

II. ROLE OF THE TITLE IX COORDINATORS

The Title IX Coordinator is responsible for coordinating Olin programs to comply with Title IX and address issues related to sexual and interpersonal misconduct. This includes leading Olin's efforts to respond to reports of conduct that could trigger Olin's Sexual and Interpersonal Misconduct Policy. The Title IX Coordinator is also available to meet with any individual to provide information about the Sexual and Interpersonal Misconduct Policy (including the availability of supportive measures and the right to file a complaint and participate in a formal or informal resolution/sanction process), as well as discussing other resources within the Olin community and beyond.

Where the Title IX Coordinator is listed as the designated point of contact for any role in the Sexual and Interpersonal Misconduct Policy, the College may designate a Deputy Title IX Coordinator(s) 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 and Interpersonal Misconduct Policy has been violated. They may also be available to assist others, including respondents and witnesses, in understanding the College's Sexual and Interpersonal Misconduct Policy and procedures.

The College's Title IX Coordinator and Deputy Title IX Coordinator are:

Erin Clark, JD

Interim Title IX Coordinator and Director of Non-discrimination Initiatives

Office: MH 323 email: eclark@olin.edu

Guilene Prepetit

Deputy Title IX Coordinator -Associate Director of Talent and Engagement

Office: CC 332 Phone: 781-292-2411 email: gprepetit@olin.edu

III. PROHIBITED CONDUCT UNDER OLIN'S SEXUAL AND INTERPERSONAL MISCONDUCT POLICY

The College's Sexual and Interpersonal Misconduct Policy governs incidents of sexual and interpersonal misconduct as prohibited and defined below. This Policy will be used by the College to address incidents alleged to have taken place on or after August 14, 2020, or that are reported to the College on or after August 14, 2020, regardless of when they allegedly occurred. Incidents that allegedly occurred and reported prior to 8/14/2020 are covered under the policy that was in place prior to 8/14/2020.

Allegations that an Olin College student or employee engaged in conduct that would, if proven, constitute Title IX Sexual Harassment as defined below will, as required by the May 2020 Title IX regulations, be handled through the informal resolution process outlined in section VII.A. below (where permitted) or the formal resolution procedures outlined in section VII.C. below.

Allegations that an Olin College student engaged in conduct that would, if proven, constitute [Non-Title IX Misconduct](#) but not [Title IX Sexual Harassment](#) as defined below will be handled through the informal resolution process outlined in section VII.A. below or the formal resolution process outlined in section VII.D. below.

Allegations that an Olin College employee engaged in sexual assault, dating violence, domestic violence and/or stalking, and that do not fall within the definition of [Title IX Sexual Harassment](#), will be handled through the informal resolution process outlined in section VII.A. below or the formal resolution process outlined in section VII.D. below.

Allegations that an Olin College employee engaged in discrimination or harassment that do not fall within the definition of [Title IX Sexual Harassment](#), and that do not involve alleged sexual assault, dating violence, domestic violence and/or stalking as defined in the [Non-Title IX Misconduct](#) definitions below, will be addressed through other Olin College employment-related policies, practices, handbooks and/or collective bargaining agreements, but will not be addressed through the policy language or procedures outlined in this Policy.

A complaint about conduct that, if proven, would not meet the strict definition for [Title IX Sexual Harassment](#) stated below is still prohibited by this Policy if it otherwise constitutes Prohibited Conduct within the definition of [Non-Title IX Misconduct](#) as defined below, and will, again, be addressed by the College under the informal process outlined in section VII.A. below and/or the formal resolution procedures outlined in section VII.D. below.

Matters that involve some allegations that would, if proven, constitute [Title IX Sexual Harassment](#) as defined below and some allegations that would, if proven, constitute [Non-Title IX Misconduct](#) as defined below, will ordinarily be handled through the informal process outlined in section VII.A. below and/or the formal resolution process outlined in section VII.C. below, unless the Title IX Coordinator determines in their discretion that handling the matters in another manner would be more appropriate in light of the particular allegations at issue. Matters that involve allegations of Prohibited Conduct as defined in this Policy and alleged violations of other College policies may also be handled entirely through the procedures outlined below, or through the procedures outlined below and through other, separate College policies and procedures, as deemed appropriate at the discretion of the Title IX Coordinator.

This Policy applies regardless of a person's sex, gender, gender identity, gender expression, sexual orientation, age, race, nationality, class status, ability, religion, or other protected status.

A. Definitions of Prohibited Conduct

The following are the definitions of conduct that is prohibited under Olin's Sexual and Interpersonal Misconduct Policy, including attempts to commit and aiding or inciting others to commit these acts. If an individual has any questions about the definition or application of any of these terms, the Sexual and Interpersonal Misconduct Policy in general, or the resources available to all members of the Olin community, they should please contact the Title IX Coordinator.

Prohibited Conduct¹:

This Policy prohibits the following forms of sexual and interpersonal misconduct, collectively referred to throughout the Policy as "Prohibited Conduct":

- **Title IX Sexual Harassment** (i.e., Quid Pro Quo Sexual Harassment, Severe, Pervasive and Objectively Offensive Sexual Harassment, Sexual Assault, and Domestic Violence, Dating Violence and sex-based Stalking within the scope of Title IX); and
- **Non-Title IX Misconduct** (i.e., Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking outside the scope of Title IX, Sexual Exploitation as defined below, and Retaliation).

Specifically, Title IX Sexual Harassment and Non-Title IX Misconduct are defined as follows for purposes of this Policy:

TITLE IX SEXUAL HARASSMENT

"Title IX Sexual Harassment" is a subset of Prohibited Conduct. Under Department of Education regulations (see 34 C.F.R., Part 106) issued in May 2020 ("May 2020 Title IX regulations") to implement

¹ The definitions of dating violence, domestic violence, sexual assault, and stalking used in this policy are consistent with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act"), as amended effective 2014, and Title IX and May 2020 Title IX regulations. In its primary prevention and awareness programs for incoming students and new employees, as well as in its primary prevention and awareness programs for students and employees, the College will include the definitions of dating violence, domestic violence, sexual assault, and stalking under the criminal law of Massachusetts. However, the College utilizes its own definitions of these prohibited behaviors, which are consistent with the Clery Act and Title IX and the May 2020 Title IX regulations as set forth below, for purposes of this policy, and determines responsibility for violations of this policy through its own procedures and standards of proof (i.e. by a preponderance of the evidence standard), not through the procedures or standards of proof employed in the criminal justice system.

Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq., the College is required to prohibit certain forms of sexual harassment as defined in those regulations. Title IX Sexual Harassment is Prohibited Conduct of the following types committed by or against students and/or employees in an education program or activity of the College, in the United States. Further, in order for the College to consider a Formal Complaint of such misconduct as falling within its Title IX Sexual Harassment policy and procedures, the complainant must be participating in or attempting to participate in a College program or activity at the time the Formal Complaint is filed.

Conduct takes place within the College's "programs and activities" when that conduct occurs: (1) in a location, at an event, or in a circumstance where the College exercises substantial control over both the respondent and the context in which the conduct occurs; or (2) in any building owned or controlled by a student organization recognized by the College. Conduct that occurs off campus in locations or at events with no connection to the College is unlikely to have occurred in a program or activity of the College.

The following Prohibited Conduct definitions apply for purposes of the definition of Title IX Sexual Harassment:

Title IX Sexual Harassment:

Title IX Sexual Harassment means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the College conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education program or activity; or

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.

Title IX Sexual Assault:

As required by the May 2020 Title IX regulations, Olin's Title IX Sexual Assault definition incorporates the definitions of the FBI's Uniform Crime Reporting (NIBRS) program, and is as follows:

- **Rape:**²
 - The carnal knowledge of a person (i.e., penile-vaginal penetration), without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
 - Oral or anal sexual intercourse (i.e., penile penetration) with another person, without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
 - To use an object or instrument (e.g., an inanimate object or body part other than a penis) to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
- **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity (for purposes of this definition, "private body parts" includes breasts, buttocks, or genitals, whether clothed or unclothed);
- **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; or
- **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

Any incident falling within this definition is a violation of College policy and is prohibited.

Title IX Dating Violence

Title IX Dating Violence for purposes of the Title IX Sexual Harassment definition is conduct on the basis of sex committed in an education program or activity of the College in the United States that constitutes violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition—

- (A) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- (B) Dating violence does not include acts covered under the definition of domestic violence.

Any incident falling within this definition is a violation of College policy and is prohibited.

² Both completed rape and attempted rape are prohibited by this policy.

Title IX Domestic Violence

Title IX Domestic Violence for purposes of the Title IX Sexual Harassment definition is conduct on the basis of sex committed in an education program or activity of the College in the United States that constitutes a felony or misdemeanor crime of violence committed—

- (A) By a current or former spouse or intimate partner of the victim;
- (B) By a person with whom the victim shares a child in common;
- (C) By a person who is cohabiting with, or has cohabited with, the victim as a spouse or intimate partner;
- (D) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- (E) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Any incident falling within this definition is a violation of College policy and is prohibited.

Title IX Stalking

Title IX Stalking for purposes of the Title IX Sexual Harassment definition is conduct on the basis of sex committed in an education program or activity of the College in the United States that constitutes engaging in a course of conduct directed at a specific person that would cause a reasonable person to

(A) Fear for the person's safety or the safety of others; or

(B) Suffer substantial emotional distress.

(ii) For purposes of this definition—

(A) Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

(B) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

(C) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Examples of stalking behaviors or activities include, but are not limited to the following, if they occur in the context of stalking as defined above (i.e., the behaviors or activities would cause a reasonable person to fear for their safety or the safety of others, or to suffer substantial emotional distress): (1) non-consensual communication, including face-to-face communication, telephone calls, voice messages, e-mails, text messages, written letters, gifts, or any other communications that are unwelcome; (2) use of online, electronic or digital technologies, such as posting pictures or text in chat rooms or on websites, sending unwanted or unsolicited e-mail or talk requests, posting private or public messages on Internet sites, social networks, and/or school bulletin boards, installing spyware on a person's computer, or using Global Positioning Systems (GPS) or similar technology to monitor a person; (3) pursuing, following, waiting for, or showing up uninvited at or near a residence, workplace, classroom, or other places frequented by the person; (4) surveillance or other types of observation, including staring and voyeurism; (5) trespassing; (6) vandalism; (7) non-consensual touching; (8) direct verbal or physical threats against a person or a person's family member, pet or personal property; (9) gathering information about a person from friends, family, or

co-workers; (10) accessing private information through unauthorized means; (11) threats to harm self or others; (12) defamation and/or lying to others about the person; and (13) using a third party or parties to accomplish any of the above.

Behaviors or activities that fall within this definition are violations of College policy and are prohibited.

NON-TITLE IX MISCONDUCT

Non-Title IX Misconduct is Prohibited Conduct that falls within the scope of this policy and the definitions below but that does not fall within the definition of Title IX Sexual Harassment, either due to the nature of the conduct or because it did not reportedly occur within a program or activity of the College in the United States. Behavior that falls within the definition of Non-Title IX Misconduct violates College policy and is prohibited. Such conduct is defined for purposes of this policy as:

Non-Title IX Sexual Harassment

Non-Title IX Sexual Harassment is a form of sex discrimination that includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that has the purpose or effect of substantially interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working, shared living, or educational environment, on the basis of sex. The College will determine whether conduct falls within this definition by using both an objective standard (that is, would a reasonable person experience the conduct as intimidating, hostile or offensive as defined here) and a subjective standard (that is, did the person actually perceive the conduct as intimidating, hostile or offensive as defined here).

Examples of sexual harassment include, but are not limited to the following, when such acts or behavior come within the above definition:

- when a person touches or grabs any part of another person's body in a manner that is sexual or offensive on the basis of sex (but that does not constitute "fondling", which is a form of Title IX Sexual Assault or Non-Title IX Sexual Assault as defined above and below) and the person knew or should reasonably have known that the other person did not or would not welcome such physical contact;
- continuing to ask a person to socialize on or off-campus when that person has indicated that they are not interested;
- displaying or transmitting sexually suggestive pictures, videos, objects, cartoons, messages, web links, posters or any other sexually suggestive content/media if it is known or should be known that the behavior is unwelcome;
- continuing to write sexually suggestive notes or letters if it is known or should be known that the person does not welcome such behavior;
- referring to or calling a person a sexualized name if it is known or should be known that the person does not welcome such behavior;
- regularly telling sexual jokes or using sexually vulgar or explicit language in the presence of a person if it is known or should be known that the person does not welcome such behavior;
- communicating derogatory or provoking remarks about or relating to a person's sex, gender identity or sexual orientation;

- directing harassing acts or behavior against a person on the basis of their sex, gender identity or sexual orientation; or
- off-campus conduct which falls within the above definition and affects a person's on-campus educational, shared living, or work environment.

Sexual Harassment that meets the definition of Title IX Sexual Harassment outlined above will be addressed under the procedures for Title IX Sexual Harassment provided in this Policy.

Olin College recognizes that the protection of free and open speech and the open exchange of ideas is important to any academic community. This recognition is therefore an important element in the objective "reasonable person" standard used in judging whether sexual harassment has occurred. This policy is meant neither to proscribe nor to inhibit discussion, in or out of the classroom, of complex, controversial or sensitive matters, when in the judgment of a reasonable person they arise appropriately and with respect for the dignity of others.

The College also recognizes, however, that verbal conduct can be used specifically to intimidate or coerce and to inhibit genuine discourse, free inquiry and learning. Such abuses are unacceptable. If someone believes that another's speech or writing is offensive, wrong or hurtful, they are encouraged to express that judgment in the exercise of their own free speech or to seek redress under this policy or other College policies as appropriate.

Non-Title IX Sexual Assault

Sexual Assault (i.e., rape, fondling, incest or statutory rape) as defined in the Title IX Sexual Assault definition above that did not reportedly occur in a program or activity of the College in the United States, and attempts to commit such misconduct.

Non-Title IX Domestic Violence

Domestic violence as defined in the Title IX Domestic Violence definition above that did not reportedly occur in a program or activity of the College in the United States.

Non-Title IX Dating Violence

Dating violence as defined in the Title IX Dating Violence definition above that did not reportedly occur in a program or activity of the College in the United States.

Non-Title IX Stalking

Stalking as defined in the Title IX Stalking definition above that did not reportedly occur in a program or activity of the College in the United States, or that otherwise fits within the definition of stalking but does not fall within the Title IX Stalking definition because the reported conduct is not directed at the complainant on the basis of sex.

Non-Title IX Sexual Exploitation

Non-Title IX Sexual Exploitation occurs when a person takes sexual advantage of another person for the benefit of anyone other than that other person without that other person's consent, and attempted sexual exploitation. Examples of sexually exploitative behavior include, but are not limited to: (1) video recording or photographing of sexual acts or nudity of another member of the College community without the consent of a person involved; (2) transmitting such video recordings or photographs without the consent of the person involved; (3) viewing or allowing or aiding others to view another person's sexual activity, intimate body parts, or nudity without the person's consent; and (4) sexual exhibitionism or exposure of one's genitalia in the presence of others without their consent.

Retaliation

The College prohibits retaliation against anyone who reports sexual misconduct, assists another in making a report or participates in an investigation of a report. Retaliation is an intentional adverse action taken against another person on the basis of their participation in a protected activity under this Policy. Retaliation can include intentional action taken by a party or allied third party as reprisal for participating in a protected activity or for supporting someone who engages in protected activity under this Policy. Retaliation may take the form of words or actions that constitute intimidation, threats, coercion, or other adverse action. However, to constitute retaliation, the words or actions must be sufficiently adverse to deter a reasonable person from reporting or assisting in reporting Prohibited Conduct, seeking protections under this Policy, or participating in a proceeding under this Policy. For example, words or actions that are only a minor annoyance or lack of good manners do not constitute retaliation. Retaliation allegations may be consolidated with other forms of Prohibited Conduct if the facts and circumstances significantly overlap. If the facts and circumstances do not significantly overlap, then the College retains discretion to adjudicate the allegations under a different but appropriate policy, or under the Non-Title IX Misconduct procedures outlined below; determinations as to which policy or policies will be used to address reported retaliation will be made at the discretion of the Title IX Coordinator or designee. For example, if a respondent retaliates against a complainant with regard to the filing of a complaint, that behavior could be consolidated with the other Prohibited Conduct alleged, provided appropriate notice is afforded. On the other hand, if the retaliatory conduct is committed by a respondent's friend who is not otherwise subject to a grievance under this Policy, that behavior could be adjudicated under another student or employee conduct policy which prohibits such behavior.

The College prohibits retaliation, as defined above, against any person who seeks to report potential violations of this Policy, who assists another person in reporting potential violations of this Policy, or who participates in a grievance process under this Policy. Retaliation is a violation of this Policy, even if the facts in a complaint alleging Prohibited Conduct are ultimately not proven by a preponderance of the evidence.

B. Other Important Definitions Related to Prohibited Conduct

Days: Unless otherwise specified, references to "days" throughout this policy means calendar days. If the end of a period falls on a weekend or another day when the College is not open for business, the period will end on the next day when the College is open for business.

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 and Interpersonal 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.

C. Other Definitions Related to the Policy

Actual Knowledge means notice of Title IX Sexual Harassment as defined above, to the College's Title IX Coordinator or any official of the College who has authority to institute corrective measures on behalf of the College.

Complainant means an individual who is alleged to be the victim of conduct that could constitute sexual misconduct. At the time of filing a formal complaint of Title IX Sexual Harassment, the complainant must be participating in or attempting to participate in the College's education program or activity.

Education Program or Activity for purposes of the definition of Title IX Sexual Harassment includes locations, events, or circumstances over which the College exercised substantial control over both the respondent and the context in which the sexual misconduct occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution.

Formal Complaint as used in the context of Title IX Sexual Harassment matters is a document filed by a complainant or signed by the Title IX Coordinator alleging sexual misconduct against a respondent and

requesting that the College investigate the allegation of sexual misconduct. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the College. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed for the Title IX Coordinator in this policy and by any additional method designated by the College. As used in this paragraph, the phrase “document filed by a complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the College) that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party.

Complaint is a written statement filed by a complainant against a respondent.

Report is a notice of an incident filed by a complainant or a reporter.

Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute sexual misconduct.

Supportive Measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the College’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College’s educational environment, or deter sexual misconduct. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The College will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the College to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. The Confidential Resource Provider (CRP) or the Dean of Student Affairs may also coordinate the implementation of supportive measures.

The parties may request supportive measures when a complaint, investigation or informal or formal process is first initiated, and/or may request supportive measures for the first time, or additional or different supportive measures, during the course of an informal or formal resolution process.

IV. ADDITIONAL CONSIDERATIONS

A. Privacy and Confidentiality: Treatment of Reported Information.

The College will not disclose the identity of a complainant or a respondent, except as necessary to carry out a disciplinary process or as permitted under state or federal law.

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 fall within the prohibitions of the Sexual and Interpersonal Misconduct Policy.

There are certain circumstances in which Olin has a broader obligation to the community and may not be able to abide by: a) an individual's request for complete confidentiality or b) an individual's request that Olin 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. Where Prohibited Conduct is alleged, the Title IX Coordinator will evaluate the aforementioned requests by considering a range of factors including, but not limited to:

- Whether there appears to be a pattern of alleged Prohibited Conduct by the respondent;
- The involvement of violence or weapons;
- The seriousness of the alleged misconduct;
- The age of the complainant;
- Whether there have been other complaints or reports of Prohibited Conduct by the respondent; and
- Other similar factors

The presence of one or more of these factors may lead the Title IX Coordinator to sign a formal complaint of Title IX Sexual Harassment or to initiate an investigation of Non-Title IX Misconduct. In signing a formal Title IX complaint, the Title IX Coordinator is not a complainant or otherwise a party under this policy. In deciding whether to sign a formal complaint, the Title IX Coordinator will consider the facts of the specific case and will consider the factors set forth above.

Note: If the Title IX Coordinator does commence a formal complaint or initiate an investigation and a complainant is known, the Coordinator will provide the complainant all notices and opportunities to respond to evidence that are provided by the procedures outlined below, even if the complainant is not actively involved.

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.

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. Reporting and Duty to Report Sexual and Interpersonal Misconduct, Information Provided by College Upon Receipt of Reports, and Retaliation

Anyone who wishes to report that they or another Olin College community member has or may have experienced Prohibited Conduct as defined above should contact through the following means either:

Erin Clark, JD

Interim Title IX Coordinator and Director of Non-discrimination Initiatives

Office: MH 323 email: eclark@olin.edu

or

Olin College Department of Public Safety

publicsafety@olin.edu

781-239-5555

Reports of Prohibited Conduct should be made to the Title IX Coordinator and/or Public Safety regardless of where the conduct occurred (e.g., off-campus or on-campus). The Title IX Coordinator and/or Public Safety will provide information to the individual who reportedly experienced the Prohibited Conduct on where to receive immediate emergency assistance following an incident of Prohibited Conduct, which shall include, but not be limited to:

- information related to preserving evidence and contact information for seeking medical treatment on campus, if available, and off campus;
- descriptions of the types of counseling and health, safety, academic and other support services available from the College within the local community or region or through a local community-based rape crisis center or domestic violence program, including contact information;
- information on the rights of students and employees to:
 - (A) notify or decline to notify law enforcement, including Olin College, local and/or state police, of an alleged incident of Prohibited Conduct;
 - (B) receive assistance from College authorities in making any such notification;
 - (C) obtain a court-issued protective order or a College-issued no-contact order against an alleged perpetrator of the sexual misconduct; and
 - (D) concurrently utilize the College's process for investigating sexual misconduct complaints and any external civil or criminal processes available to the student or employee;
- College-based supportive measures reasonably available from the College, which shall include, but not be limited to, options for changing academic, living, campus transportation or working arrangements in response to an alleged incident of sexual misconduct, regardless of where the conduct occurred or whether such conduct occurred outside of the College's programs or activities, and regardless of whether a complaint is filed in accordance with the College's policy for resolving complaints, how to request such measures and the process to have any such measures reviewed; and
- procedures for students or employees to notify the institution that a protective order has been issued under state or federal law and the institution's responsibilities upon receipt of such notice.

All college employees designated as college officials who have the authority to institute corrective measures on behalf of Olin, and/or employees designated as Mandatory Reporters 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 and interpersonal misconduct (including, but not limited to sexual harassment, sexual assault, domestic violence, dating violence, and stalking), and/or related 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 reported 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 sought in a privileged manner and provided confidential status under the law (e.g., licensed mental health care providers, licensed medical providers, pastoral counselors, clergy and Confidential Resource Provider (CRP) are not obligated to report identifying information about behavior that may implicate the Sexual and Interpersonal Misconduct Policy without the consent of the individual who supplied the information in question, and may otherwise keep information confidential as permitted and/or required by law. However, these confidential resources are instructed to inform individuals of their rights to file a complaint under the Sexual and Interpersonal Misconduct Policy and may assist in that process. Confidential resources may, 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.

V. OLIN'S RESPONSE TO A REPORT OF SEXUAL OR INTERPERSONAL MISCONDUCT

When a report of sexual or interpersonal misconduct is made to the College, the College will treat both complainants and respondents equitably by offering supportive measures to the complainant (if known) and respondent as appropriate, and by following the formal or informal processes outlined below before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent.

Upon receiving a report of conduct that could fall under Olin's Sexual and Interpersonal Misconduct Policy, the Title IX Coordinator will assess the need to take any immediate action to address the safety and health needs of the Complainant³ and the Olin community. The initial assessment is a preliminary action to determine the need for any supportive measures; it is not part of an investigation conducted after receipt of a formal complaint.

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

A. Meeting with the Parties

The Title IX Coordinator will promptly meet with the complainant. If appropriate in the circumstances, i.e., if the complainant wishes to file a complaint through procedures outlined below, the Title IX Coordinator will also meet with the respondent to share information regarding the following, as relevant and appropriate:

1. Encourage the complainant to discuss the nature and circumstances of the reported conduct, and review relevant documentation that is available;
2. Inform the complainant of 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 if a complaint is eventually filed with the College, 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;
3. Explain the process for filing a complaint with the Title IX Coordinator;
4. Discuss the availability of supportive measures to either party, regardless of whether a complaint is filed; if supportive measures are requested but not provided to a complainant, the Title IX Coordinator will document why they were not provided;
5. Discuss protection from, and reporting of, incidents of retaliation;

³ When a complainant and respondent are discussed collectively, they will be referred to as the "parties," and when they are discussed individually, each will be referred to as a "party." There may be an instance where another individual, who has not experienced but is aware of the occurrence of Prohibited Conduct, may provide information about Prohibited Conduct. Such an individual will be referred to as the "reporting party." In specific circumstances, Olin will determine at its discretion which, if any, of the protections and procedural opportunities provided to a complainant under Olin's Sexual and Interpersonal Misconduct Policy are also applicable to a reporting party.

6. Provide written notification of the counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available both within the College and in the community; and
7. Discuss the importance of preserving relevant evidence or documentation (e.g., texts, emails, notes, photographs, etc.) as appropriate to either party.

VI. INITIATING A COMPLAINT WITH THE COLLEGE

A. Period of Limitations

There is no window of time after an incident of sexual misconduct has occurred in which to file a complaint with the College. The College, however, strongly encourages early filing of a complaint in order to preserve evidence for a potential legal or College grievance proceeding. Delays in filing, while permitted, may limit the College's ability to investigate and respond effectively, given the passage of time.

B. Notice of Allegation(s) to the Parties

Upon receipt of a formal complaint of Title IX Sexual Harassment or a complaint of Non-Title IX Misconduct that the complainant and/or the Title IX Coordinator decides to pursue, the Title IX Coordinator will provide the following written notice to the parties who are known:

1. Notice of the applicable College grievance process, including information regarding the College's informal resolution process (if available).
2. Notice of the allegations potentially constituting Prohibited Conduct, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include:
 - a. The identities of the parties involved in the incident, if known;
 - b. The conduct allegedly constituting Prohibited Conduct, which will include a specific statement of which policies were allegedly violated and by what actions; and
 - c. The date, time and location of the alleged incident, if known.
3. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the applicable grievance process.
4. A statement informing the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, during the grievance process, and that they may inspect and review evidence during the College's investigation process.
5. A statement informing the parties that knowingly making false statements or knowingly submitting false information during the grievance process is prohibited and subject to appropriate disciplinary action.

If, in the course of an investigation, the College decides to investigate allegations that are not included in the notice provided above, the Title IX Coordinator will provide notice of the additional allegations to the parties whose identities are known.

C. Dismissal of a Complaint for Title IX Purposes

The Title IX Coordinator will review the allegations in a complaint. If the Title IX Coordinator determines that the allegations in a complaint would not, even if proved, fall within the definition of Title IX Sexual

Harassment stated above (e.g., it did not occur in the College's education program or activity, it did not occur against a person in the United States, or it could not otherwise fall within the Title IX Sexual Harassment definition), the Title IX Coordinator is required by the May 2020 Title IX Regulations to advise the complainant of that determination, and dismiss the formal complaint with regard to that conduct *for purposes of Title IX Sexual Harassment procedures only*. If the alleged conduct would, if proved, constitute Non-Title IX Misconduct as defined above, it will be handled in accordance with the Non-Title IX Misconduct procedures outlined below. Other types of misconduct may be referred for handling in accordance with other applicable College disciplinary policies and procedures. If, however, new information is subsequently provided, such a dismissal for Title IX Sexual Harassment purposes may be reevaluated.

The Title IX Coordinator may dismiss the formal complaint or any allegations therein, if at any time during the investigation or grievance hearing:

1. A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
2. The respondent is no longer enrolled in or employed by the College; or
3. Specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon such a dismissal for Title IX Sexual Harassment purposes, the Title IX Coordinator will promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties, as well as notice of the right to appeal the dismissal, and notice of whether and/or how the alleged conduct will be investigated and/or addressed through Non-Title IX Misconduct procedures or other applicable College policies and procedures.

D. Consolidation of Complaints

The Title IX Coordinator may consolidate complaints as to allegations of Prohibited Conduct against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of Prohibited Conduct arise out of the same facts or circumstances.

E. Emergency Removal Procedures

In cases that involve allegations of conduct that would, if proved, constitute Title IX Sexual Harassment as defined above, the Title IX Coordinator or Deputy Coordinator may remove a student from the College's education program or activity on an emergency basis, provided that the Coordinator (or designee):

1. Undertakes an individualized safety and risk analysis;
2. Determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual misconduct justifies removal; and
3. Provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.

This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

An emergency removal does not replace the regular grievance hearing process in Title IX Sexual Harassment cases, which will proceed on the normal schedule, up to and through a hearing, if required.

HOW TO CHALLENGE AN EMERGENCY REMOVAL DECISION

Challenges are resolved by the Dean of Student Affairs. A challenge must be submitted in writing by the respondent within five (5) business days after the receipt of the Title IX Coordinator's or Deputy Title IX Coordinator's emergency removal decision.

The challenge statement must specify the grounds for the challenge and include any evidence in support of the grounds. The grounds for an appeal are limited to:

1. Information that a procedural error affected the decision;
2. Information that a factual error affected the decision; or
3. Additional information relevant to the assessment that was not available at the time of the initial safety and risk analysis.

During the challenge, the emergency removal decision will remain in place. A written response to the appeal will be provided by the Dean of Student Affairs to the respondent by mail and email (if both addresses are known). The outcome of the challenge decision is final.

F. Administrative Leave

In cases that involve allegations of either Title IX Sexual Harassment or Non-Title IX Misconduct as defined above, the College may place a non-student employee respondent on administrative leave during the pendency of a formal grievance process. This provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

G. Interim Suspension of Students in Non-Title IX Misconduct Cases

The College may decide at its discretion to suspend a student respondent on an interim basis, that is, while an investigation is pending, in cases that fall within the definition of Non-Title IX Misconduct outlined above. The determination of whether to impose an interim suspension will be made by the Title IX Coordinator in consultation with other College officials as appropriate. By way of example but not limitation, a respondent may be suspended on an interim basis when the College has received information which indicates that the respondent's continued presence on campus will likely have a serious effect on the physical, mental, or emotional health, safety or well-being of another person, when physical safety is seriously threatened, or when the ability of the College to carry out its operations is threatened or impaired. The College may permit written challenges to such decisions at its discretion, through procedures determined by the College to be appropriate under the circumstances of a particular case.

VII. PROCESS FOR INFORMAL RESOLUTION AND FORMAL PROCESS FOR INVESTIGATING AND RESOLVING COMPLAINTS

This section describes how Olin will: 1) consider informal resolution options; 2) investigate complaints, and 3) determine what, if any, remedial measures and/or disciplinary sanctions are appropriate for individuals found responsible for violating Olin's Sexual and Interpersonal Misconduct Policy.

As indicated below, some procedures apply to cases that involve either Title IX Sexual Harassment or Non-Title IX Misconduct, and some apply only to one category of alleged misconduct or the other.

The College's procedures, as outlined below, are intended to resolve complaints of Prohibited Conduct promptly and equitably.

A. Optional Informal Resolution Procedures

The following Informal Resolution Procedure will not be used in an effort to resolve allegations that an Olin College employee sexually harassed a student. Also, in accordance with the May 2020 Title IX regulations, in cases involving allegations that, if proved, would constitute Title IX Sexual Harassment rather than Non-Title IX Misconduct as defined above, it may only be used if a Formal Complaint is signed by the complainant or the Title IX Coordinator.

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 in writing that participation is strictly voluntary and is not offered as a condition of enrollment/continuing enrollment, employment/continuing employment, or a waiver of the right to a formal investigation. Moreover, the written notification will state that the parties have the right to withdraw from the informal resolution process at any time and resume the grievance process with respect to the complaint. The notice will also state that the parties have the right to be accompanied by an advisor of their choice, and will describe any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

If, after receiving written notification of the above rights, the parties both voluntarily consent in writing to pursue informal resolution, the Title IX Coordinator will assign a trained administrator or third-party external to the College to facilitate the informal resolution process.

The allegation will be deemed resolved when the parties expressly agree in writing to a resolution that is acceptable to them, and which is deemed acceptable and approved by the Title IX Coordinator in consultation with other appropriate College administrators. If, however, informal resolution efforts are unsuccessful, the investigation and/or grievance hearing process will continue.

A party may withdraw from the informal resolution process at any time before the parties agree to a resolution in writing. The Title IX Coordinator may also reinstate an investigation at any time they deem appropriate.

B. The Investigation Phase of the Formal Resolution Process

The procedures used during the investigation phase of the formal resolution process will be the same in cases that involve allegations of either Title IX Sexual Harassment or Non-Title IX Misconduct.

NOTICE OF AN INVESTIGATION. If an investigation is going to be initiated, the Title IX Coordinator will prepare a written notice to the complainant and respondent as described in the Notice of the Allegation(s) to the Parties section above, and that includes information about any supportive measures in place of which either party needs to be made aware. This written notice does not constitute a finding or a determination of responsibility.

INVESTIGATION PHASE GUIDELINES. During the investigation and throughout the formal grievance process, the Title IX Coordinator will:

1. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
2. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
3. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding (see the **Information about Advisors in Connection with Allegations of Prohibited Conduct** section below for more information); however, the College may establish restrictions regarding the extent to which an advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;
4. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;
5. Provide both parties a timely and equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the College does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.

INFORMATION ABOUT ADVISORS IN CONNECTION WITH ALLEGATIONS OF PROHIBITED CONDUCT. Each party may have a single advisor of their choice to guide and accompany them throughout the investigation, grievance hearing (where applicable in Title IX Sexual Harassment cases), and appeal processes. The advisor may be a friend, mentor, family member, advocate, confidential resource provider, attorney or any other supporter a party chooses to advise them.

During the investigation phase, advisors may not participate actively and may not speak or otherwise communicate on the part of the party that they represent. However, the advisor may ask to suspend any meeting or interview briefly to provide private consultation related to the investigation proceeding in progress.

An advisor 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 advisor if they unduly delay the process. Without prior approval of the Title IX Coordinator, as determined in their sole discretion, the advisor is not permitted to attend a meeting or proceeding without the party. Olin reserves the right to take appropriate action regarding any advisor 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 who is the respondent may choose an advisor who is not a union representative, if the respondent does not desire to have the union representative participate in the proceeding.

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 (though “Investigator” will be used in these procedures for ease of reference). 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 and Interpersonal Misconduct Policy. Investigators will receive not less than annual training on issues relating to sexual misconduct, investigatory procedures and hearing procedures to protect the safety and rights of students and employees and promote accountability. 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, the parties should inform the Title IX Coordinator (in writing) of any conflicts of interest with regard to the selected Investigator. The Title IX Coordinator will consider the nature of the reported 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 Student Affairs and/or Chief Human Resources Officer) to discuss any conflicts of interest.

NATURE OF THE INVESTIGATION. The investigation will include separate interviews with the complainant, the respondent, and any witnesses whom the Investigator believes will provide necessary and relevant information. The investigation may include review of documentation or other items relevant to the reported conduct. The Investigator will provide the parties with written notices of meetings in which their presence is required.

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 to speak. The parties also have the opportunity to provide the Investigator with any documentation or other items or questions they would like to be considered (and, in Non-Title IX Misconduct cases in which no hearing will be held, with a more formal opportunity to submit specific questions to the Investigator for consideration, as detailed below). All information described in this section must be presented to the Investigator 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 during the Investigation Phase and without delay upon becoming aware of it. The Investigator 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.

INVESTIGATION PROHIBITIONS. Neither party will be permitted to question or cross-examine the other Party directly during the investigation or any applicable hearing proceedings. Moreover, the Investigator generally will not gather or consider information related to either party’s sexual history outside of the conduct in question unless offered to prove someone other than the respondent committed the alleged conduct, or if the questions and evidence concern specific incidents of the complainant’s prior sexual behavior with respect to the respondent and are offered to prove consent.

RESPONDENT VOLUNTARY AGREEMENT TO POLICY VIOLATION. At any point prior to the conclusion of the investigation or grievance hearing, a respondent may agree, in writing, to 1) the alleged violation(s) of Olin’s Sexual and Interpersonal Misconduct Policy and 2) a proposed sanction. In

such a situation, the Title IX Coordinator or assigned Hearing Officer (if applicable) may propose sanction(s) for the respondent and, if the complainant and the respondent agree to such proposed sanction(s), then the complaint may be resolved without a hearing and without any further rights of appeal by any party. If either the complainant or the respondent objects to such proposed sanction(s), then the matter will be assigned to a Hearing Officer in accordance with the *Grievance Hearing Phase*, who will convene a hearing for the exclusive purpose of determining a sanction.

INSPECTION AND REVIEW OF EVIDENCE. Prior to completion of the investigative report, the Investigator will send to each party and the party's advisor, if any, in an electronic format or a hard copy any evidence obtained as part of the investigation that is directly related to the allegations raised in a complaint (including the evidence upon which the College does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source) so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.

SPECIAL PROCEDURE FOR POSING QUESTIONS TO OTHER PARTY AND WITNESSES IN NON-TITLE IX MISCONDUCT CASES

In cases that involve allegations of only Non-Title IX Misconduct or violations of other implicated policies that are being addressed through this Policy and its procedures, but no allegations of Title IX Sexual Harassment (and in which no hearing will be held, as outlined in section VII.D. below), each party may, within 7 days of the evidence being made available for their review, inform the Investigator of any questions that they would like the Investigator to pose to the other party or any witnesses. The Investigator will decide in their discretion which, if any, such questions they will pose to the other party and any witnesses and how exactly they will be phrased. The Investigator will notify the parties when they have concluded their posing of any additional questions to the other party and witnesses, at which point the 10 day period for the parties to prepare their written responses following their inspection and review of evidence (explained immediately below) will begin.

WRITTEN RESPONSE FOLLOWING PARTIES' INSPECTION OF REVIEW AND EVIDENCE

At least 10 days after the evidence is made available for inspection and review in Title IX Sexual Harassment cases, and at least 10 days after the Investigator notifies the parties that they have concluded their posing of any additional questions to the other party and witnesses in Non-Title IX Misconduct cases, the parties may submit a written response, which the Investigator will consider prior to completion of the Investigative Report. In Title IX Sexual Harassment cases, the Investigator will make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during any hearing, including for purposes of cross-examination. In Non-Title IX Misconduct cases, the Investigator will make all such evidence available to the Decision-Maker for their review, as outlined in section VII.D. below.

INVESTIGATIVE REPORT. At the conclusion of the Investigation Phase, the Investigator will prepare an Investigative Report, which will include a summary of the factual information presented during the Investigation Phase, and a separate section where the Investigator point(s) out relevant consistencies or inconsistencies (if any) between different sources of information. The Investigative Report will not include a determination by the Investigator as to whether the respondent has violated Olin's Sexual and Interpersonal Misconduct Policy or what sanctions may be appropriate. The report will be issued in an electronic format or a hard copy to each party and the party's advisor at least 10 days prior to the formal grievance hearing (where applicable, in Title IX Sexual Harassment cases) for their review and written

response. The parties' written responses should be submitted to either the Hearing Officer (in cases involving allegations of Title IX Sexual Harassment) or to the designated decision-maker (in cases involving allegations of only Non-Title IX Misconduct) within 10 days after the report was issued to them.

C. Hearing Phase in Title IX Sexual Harassment Cases

The following hearing phase procedures are required by the May 2020 Title IX regulations and will be used by Olin only in cases covered by those regulations, that is, cases in which some or all of the alleged conduct, if proven, would constitute [Title IX Sexual Harassment](#) as defined above. These hearing phase procedures will not be used in Non-Title IX Misconduct cases; the procedures that will be used in Non-Title IX Misconduct cases are outlined in section VII.D. below.

Following the opportunity for review and comment of the Investigative Report, the Title IX Coordinator will forward the case to a specially trained impartial Title IX Hearing Officer either internal or external to the College for formal resolution via a grievance hearing. Hearing Officers will receive not less than annual training on issues relating to sexual misconduct, investigatory procedures and hearing procedures to protect the safety and rights of students and employees and promote accountability.

The Hearing Officer may not have a conflict of interest and cannot be the same person(s) as the Title IX Coordinator or the Investigator.

NOTICE OF GRIEVANCE HEARING

The Title IX Coordinator will send a written notice of the hearing to the parties within ten business days prior to the hearing date. The written notice will include the following information:

1. The time, date, and location of the hearing and the contact information of the Hearing Officer assigned to hear the matter;
2. Information about requesting reasonable accommodations for the hearing;
3. A copy of or link to the College's hearing rules and procedures;
4. Notice of the requirement that only an advisor may conduct cross-examination directly, orally, and in real time at the hearing, and that if a party does not have an advisor, the College will provide one free of charge;
5. Notice of the right to request that the parties be separated with the utility of technology to enable the parties to see and hear one another as needed from different rooms;
6. Notice of the right to raise a conflict of interest with the Hearing Officer in writing to the Title IX Coordinator.

HEARING RULES

The grievance hearing will be conducted in a fair and equitable manner for the purpose of determining whether it is more likely than not that the respondent violated Olin's Sexual and Interpersonal Misconduct Policy or other implicated policy (i.e. "the preponderance of the evidence" standard).

The following rules and regulations apply to all grievance hearings:

1. Hearings will be private and closed to everyone except the involved persons;
2. The live hearing may be conducted in person or virtually at the discretion of the Hearing Officer;

3. At the request of either party, the parties will be separated, but technology will be utilized to enable the parties to see and hear one another as needed from different rooms.
 - a. The use of such technology must enable the Hearing Officer and parties to see and hear the witnesses testify in real time;
 - b. Training in the usage of such technology will occur before the hearing to ensure proper execution;
4. Both parties will be provided an equal opportunity to present witnesses and other inculpatory and exculpatory evidence;
5. The respondent is presumed not responsible unless and until determined to be responsible for the alleged violation(s) at the end of the grievance process based upon a preponderance of the evidence, or more likely than not, standard;
6. During the hearing, only the parties' respective advisors will be allowed to conduct cross-examination directly, orally, and in real time:
 - a. Cross-examination may not be conducted directly by a party;
 - b. If a party does not have an advisor, the College will provide a trained advisor of its choice to the party free of charge;
7. During the hearing, the Hearing Officer will have the right to determine the relevancy of any questions asked on cross-examination and may exclude any irrelevant questioning.
 - a. The Hearing Officer will provide an explanation to the parties for excluding a question on the basis of irrelevancy.
 - b. Questions about the predisposition or prior sexual behavior of the complainant are deemed not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the alleged conduct, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent;
 - c. The Hearing Officer may not draw any inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions;
 - d. The Hearing Officer will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege in writing;
8. An audio recording of the hearing will be created by the College, which shall remain the property of Olin but will be made available to the parties for review only;
9. Cell phones and recording devices may not be used in the hearing room(s) (unless approved by the Hearing Officer in advance) and must be turned off before the hearing convenes;
10. Formal rules of evidence (e.g., federal or state rules for court) shall not be applicable;
11. The Hearing Officer may call any relevant witness to participate in a proceeding. Admission of any person to the hearing will be at the discretion of the Hearing Officer;

12. Pertinent records, video-surveillance images, relevant exhibits, and written statements may be accepted as information for consideration by the Hearing Officer.
13. The Hearing Officer will objectively review all relevant evidence—including both inculpatory and exculpatory evidence;
14. The Hearing Officer may temporarily delay the grievance hearing or extend time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as:
 - a. The absence of a party, a party's advisor, or a witness;
 - b. Concurrent law enforcement activity; or
 - c. The need for language assistance or accommodation of disabilities. The College asks all parties and witnesses to inform the Title IX office as soon as possible if they believe they may need disability-related accommodations, as such accommodations may require additional documentation if an individual does not already have a file with the College's disability services office.

WRITTEN DETERMINATION AND NOTIFICATION

Following the hearing, the Hearing Officer will review all information presented through the investigation and live hearing processes and then issue a written determination regarding responsibility, which includes:

1. The allegations of Prohibited Conduct;
2. A description of the procedural steps taken;
3. Findings of fact;
4. Conclusions regarding applying the policy to the facts;
5. A statement with rationale detailing the result of each allegation;
6. A listing of any imposed sanctions and any remedies provided; and
7. An explanation of the College's appeal process.

The written determination will be delivered simultaneously to both parties within 7 business days after a final determination of a complaint, not including any time for appeal, unless good cause for additional time is shown.

Standard of Proof. All findings and determinations of responsibility under Olin's Sexual and Interpersonal 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 that a fact exists or that a violation of Olin's Sexual and Interpersonal Misconduct Policy and/or other implicated 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 and Interpersonal 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 and Interpersonal Misconduct Policy was not violated. The two procedures are significantly different and utilize different standards for determining violations.

DETERMINATION OF SANCTIONS

The Hearing Officer will determine the appropriate sanction(s) in the event that the respondent is found responsible for violating the College's policy prohibiting Title IX Sexual Harassment or another implicated policy. The determination will be in writing and will be shared simultaneously with the parties as detailed in the *Written Determination and Notification* section above.

More detail about the types of sanctions and additional remedies that may be applied in Title IX Sexual Harassment cases is provided in section VII.E. below.

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:

1. Procedural error by the Investigator or Hearing Officer that materially prejudiced the party requesting review and/or affected the outcome of the case; and/or
2. Previously unavailable and/or newly discovered material or relevant evidence that could have significantly impacted or affected the outcome of the case that was not known to the party requesting review and not available to the Investigator and Hearing Officer; and/or
3. The Title IX Coordinator, Investigator, or Hearing Officer had a conflict of interest or bias that affected the outcome; and/or where the sanction is disproportionate to the findings, the reporting party and the responding party shall be provided with an equal opportunity to appeal decisions regarding responsibility or sanctions; and/or
4. The sanction was disproportionate to the findings.

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. If both the complainant and respondent appeal, the appeals will be considered concurrently. The Title IX Coordinator may dismiss the appeal for failing to state one of the grounds for appeal listed above. Failure to submit a written appeal within three (3) business days forfeits the right to appeal under this policy, regardless of the outcome of the other party's appeal (if submitted). If either the complainant or respondent submits an appeal, the Title IX Coordinator will notify the other that an appeal has been filed and the grounds of the appeal. The non-appealing student may submit a written response within five (5) days after notice of an appeal.

The Appellate Officer(s): The Appellate Officer(s) will decide the merits of any appeal and, in doing so, may consult with the Investigator, the Title IX Coordinator, the Hearing Officer and any other individual the Appellate Officer(s) deem appropriate. Appeals are decided based on the objective evaluation of the record of the original proceeding and any relevant evidence submitted by the parties.

The Appeals Officer shall not substitute the officer's judgment for the decision of the original Hearing Officer or attempt to rehear the case. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

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 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 and Interpersonal Misconduct Policy.

Note: Cases should only be recommended for remand for a new hearing if the specified procedural errors or conflict of interest was so substantial, they effectively denied the respondent or complainant a fair hearing, or new evidence merits a new hearing.

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

Once the appeals process is completed, it shall be the responsibility of the Title IX Coordinator to oversee the implementation of any imposed sanctions, as applicable.

D. Formal Resolution Process in Non-Title IX Misconduct Cases

In cases that involve allegations of only Non-Title IX Misconduct or violations of other implicated policies that are being addressed through this Policy and its procedures, but no allegations of Title IX Sexual Harassment, the determination regarding responsibility will be made by a decision-maker selected by the Title IX Coordinator from a pool of trained decision-makers ("Decision-Maker"). Decision-Makers will receive not less than annual training on issues relating to sexual misconduct, investigatory procedures and hearing procedures to protect the safety and rights of students and employees and promote accountability. The Decision-Maker will base their decision on the Investigative Report and any documents referenced therein, the parties' written responses to the Investigative Report, and any additional file documents referenced by the parties in their written submissions.

DETERMINATION OF SANCTIONS

The Decision-Maker will determine the appropriate sanction(s) in the event that a respondent is found responsible for violating the College's policy prohibiting Non-Title IX Misconduct or another implicated policy. The determination will be in writing and will be shared simultaneously with the parties as detailed in the *Written Determination and Notification* section above.

More detail about the types of sanctions and additional remedies that may be applied in Non-Title IX Misconduct cases is provided in section VII.E. below.

E. Sanctions

The following sanction-related information applies in cases involving either alleged Title IX Sexual Harassment, Non-Title IX Misconduct, or both.

TYPES OF SANCTIONS

1. **Employees.** Sanctions imposed with respect to respondents 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.
2. **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.

3. **Considerations.** In determining an appropriate sanction, the Hearing Officer may take into account the following:
 - a. The nature and circumstances of the harassment.
 - b. The impact of the harassment on the complainant.
 - c. The impact of the harassment on the College community.
 - d. The disciplinary history of the respondent.
 - e. Any other mitigating or aggravating circumstances.

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 supportive measures. If a complainant declined or did not take advantage of a specific supportive measure or resource previously offered, Olin may re-offer the supportive measure, 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.

VIII. ADDITIONAL MATTERS

1. **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 and Interpersonal 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 a preponderance of the evidence does not ultimately establish that the Policy was violated.
2. **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 and Interpersonal 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 and Interpersonal Misconduct Policy may be subject to separate and/or additional disciplinary action.
3. **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 and Interpersonal Misconduct Policy or these procedures. 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 to accommodate a specific need, e.g., a disability-related need, and upon written request of the Party seeking the recording that explains the need for the recording.
4. **Follow-up with Parties.** Where the Title IX Coordinator deems appropriate, they may contact the complainant or the respondent 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. In circumstances where one party is provided an update as to timing or other logistical matters that impact both parties, both parties will be informed.

5. **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 and Interpersonal 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.
6. **Amnesty for Student Reporting Sexual Misconduct.** Olin encourages reporting under Olin's Sexual and Interpersonal Misconduct Policy and seeks to remove barriers to reporting. Students may be hesitant to report sexual misconduct 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 and Interpersonal Misconduct Policy. Under limited circumstances, a person who reports conduct under the 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 and Interpersonal Misconduct Policy.

The Title IX Coordinator will review and update the Sexual and Interpersonal Misconduct Policy annually or more frequently as necessary.