SAFETY & SECURITY
AT GORDON COLLEGE
AND
FIRE SAFETY REPORT
2020-2021

An Annual Report of Campus Safety and
Fire Safety Policies, Programs and Statistics
## TABLE OF CONTENTS

- Gordon Police Department (GCPD) ................................................................. 2
- Reporting Procedures.......................................................................................... 3
- Daily Crime Log.................................................................................................... 5
- Timely Warning Notices and Emergency Notifications....................................... 5
- Emergency Notification System .......................................................................... 9
- Emergency Response Procedures ......................................................................... 9
- Evacuation Procedures .......................................................................................... 10
- Local Police and Monitoring of Off Campus Housing ......................................... 12
- Access to Campus Facilities and Facility Security ............................................... 12
- Crime Prevention and Security Awareness Programs .......................................... 13
- Alcohol & Drug Use............................................................................................. 15
- Missing Student Notification for Resident Students ............................................. 15
- Sexual Misconduct Policy (October 2020 Revision) ........................................... 16
- Sexual Offender Registration................................................................................ 16
- Gordon College Fire Safety Report (2020-21)...................................................... 22
- Gordon College Interim* Policy On Sexual Misconduct....................................... 29
SAFETY & SECURITY AT GORDON COLLEGE (2020-21)

The Gordon College Annual Safety & Security Report and Annual Fire Safety Report is organized to meet the compliance requirements of the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act and the Higher Education Opportunity Act of 2008. It has been prepared in cooperation with local law enforcement, the Office of Student Life, the Title IX Office and other campus security authorities.

The full text of this report is also posted at http://www.gordon.edu/clery. Each year, all enrolled students receive e-mail notification of the website to access this report. Faculty and staff receive similar notification via e-mail and at new employee orientations. Copies of the report may also be obtained by contacting the Gordon College Police Department (GCPD) at 978-867-4444 (email: police@gordon.edu). All prospective employees may obtain a copy of this report from the Human Resources Department by calling 978-867-4499. Prospective students may obtain a copy of this report online at http://www.gordon.edu/clery or by contacting the aforementioned departments.

Gordon Police Department (GCPD)
(Business: 978.867.4444; Emergency: 978.867.3333)

As employees of Gordon College, the full-time officials of the Gordon College Police Department (GCPD) share in the stated goal to live for Christ together. They also bear a unique responsibility as sworn Special State Police Officers of the Commonwealth of Massachusetts. Officers receive training at the Massachusetts State Police (MSP) Academy or a Massachusetts Police Training Committee (MPTC) approved full-time police academy. Upon completion of training, GCPD officers have authority to apprehend and/or arrest anyone involved in illegal activity on Gordon College property, as authorized under Massachusetts General Laws, Chapter 22C, Section 63.

GCPD officers participate in “Bias-Free Policing” training, which prepares officers to examine attitudes and stereotypes that affect their actions and decisions, with the goal of promoting procedural justice. Our objective is to use the least intrusive means of addressing incidents, while protecting the safety of officers, community members and visitors.

Per MGL 22c 63s, GCPD officers have jurisdiction in or upon all lands or structures owned, used or occupied by the college. In addition, Case law (Comm. V. Smeaton) has affirmed that GCPD officers may conduct law enforcement activities on public ways that are routinely used by the college (e.g. Grapevine Road, Hull Street, etc.). In these areas, GCPD officers may patrol and may stop vehicles and/or individuals on reasonable suspicion of criminal activity, including “high priority” criminal motor vehicle offenses (such as operating under the influence, reckless or negligent operation, etc.).

In addition to federal and state laws, GCPD officers enforce college policies. They are a critical part of the campus judicial system. If a student commits a minor criminal offense or an offense involving college rules and regulations, GCPD will refer the individual to Student Life for disciplinary adjudication.

GCPD officers regularly patrol the campus. They maintain security of campus buildings, regulate traffic and parking, and respond to medical emergencies. They assist with minor motor vehicle trouble, provide authorized access to locked rooms and buildings, give safety escorts at night upon request, and observe and report facility safety hazards to Physical Plant.

In addition, the Gordon Police have oversight over:
- lost and found items,
- vehicle and bicycle permits,
• fire permit procurement for authorized groups, and
• testing for drivers of college-owned vehicles.

GCPD personnel investigate and report criminal activity on campus. Depending on the nature of the crime and the preference of the victim, they sometimes work in conjunction with the Wenham Police Department, as well as state and federal agencies, both responding to and investigating reports of crime or suspicious activity on campus. Members of the Gordon community desiring any type of police aid should call the Gordon Police at 978-867-4444 (emergency line: 978-867-3333). GCPD will coordinate any requests for further assistance.

GCPD maintains a close working relationship with the Wenham Police Department. Officers of both departments communicate regularly on the scene of incidents that occur on and around the campus. Police information is routinely shared between the two departments, and leaders of these agencies meet regularly on a formal and informal basis. There is no formal, written agreement or memorandum of understanding between GCPD and outside police agencies regarding any issues, including the investigation of criminal incidents.

Gordon College sometimes maintains non-campus locations for student education and residence. When such locations are in operation, GCPD does not provide law enforcement service to these non-campus locations. Criminal activity at such locations is monitored and recorded by local municipal police agencies. GCPD officers will work and communicate with local, state, or federal agencies to assist with investigations at these locations, when necessary.

**Reporting Procedures**

Community members, visitors and all others are encouraged to accurately and promptly report all crimes, emergencies and public safety related incidents to the Gordon Police.

You may contact GCPD any time at:

- 978.867.3333 (emergencies or to report a crime in progress); or,
- 978.867.4444 (non-emergencies).

Crimes may also be reported by using one of the emergency call boxes on campus or the emergency phones located outside the main entrance of residence halls. For a list of emergency call box locations, see “Crime Prevention and Security Awareness Programs” section.

Even if the victim does not wish to press charges or seek other remedies, crimes should be reported to GCPD for purposes of assessing the crime for distribution of a timely warning notice and for disclosure in the annual crime statistics.

**Response to Reports**

Dispatchers are available at the above telephone numbers 24 hours a day to answer your call. In response to a call, GCPD will take the required action, dispatching an officer or asking the calling party to report to the GCPD office to file an incident report. All incident reports involving students (with the exception of sexual misconduct reports) are forwarded to the Department of Student Life (Student Life) for review and potential disciplinary action. Officers will investigate a report when it is deemed appropriate. Additional information obtained by investigation will be forwarded to Student Life. If assistance is needed from outside agencies, GCPD will contact the appropriate agency.

If a rape or other incident of sexual violence or misconduct is reported, GCPD officers on scene will offer the victim support, investigative and medical services, and GCPD sexual assault investigators will be contacted to assist the complainant. Based on the wishes of
the complainant, GCPD officers can assist with criminal charges and can arrange to work together with Wenham Police sexual assault investigators, if so desired.

All sexual assault reports are kept private, but are forwarded to the Title IX coordinator for review and assessment for Title IX investigation, as required by federal law. As appropriate, per the sexual misconduct policy and the wishes of the complainant, trained GCPD sexual assault investigators will work with the Title IX coordinator (and other Title IX investigators, as appropriate) to investigate reports of sexual violence.

GCPD encourages accurate and prompt reporting of all crimes to the campus police and other appropriate police agencies. If the victim of the crime is unable to make a report, we encourage other informed persons to do so, when possible.

Confidential Reporting

If you are the victim of a crime and do not want to pursue action within the college judicial system or the criminal justice system, you may still want to consider making a confidential report. In such cases, the Chief of Police or his designee can file a report on the details of the incident without revealing your identity. In certain cases, (such as incidents of sexual misconduct), there may be a legal requirement to inform specific individuals (such as the Title IX coordinator). In these cases, every effort will be made to protect the privacy of the reporting party and/or victim, and confidential reporting information will only be shared on a need-to-know basis, as required by law and/or the sexual misconduct policy.

The purpose of a confidential report is to comply with your wish to keep the matter confidential while taking steps to ensure the future safety of yourself and other members of the Gordon College community. With such information, the college can keep accurate records of the number of incidents involving students, determine whether there is a pattern of crime in a particular area, and alert the campus to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the college.

Campus Security Authority (CSA) Crime Reporting

By federal law (The Student Right to Know and Campus Security Act of 1990, re-named the Clery Act in 1998), the Gordon Police Department is required to report statistics concerning the occurrence of certain criminal offenses that are reported to us or to any Campus Security Authority (CSA).

A “Campus Security Authority” is defined by federal law as follows: “An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings.” For example, a dean of students who oversees student housing, a student center, or student extra-curricular activities, has significant responsibility for student and campus activities. Similarly, a director of athletics, team coach, and faculty advisor to a student group also have significant responsibility for student and campus activities. A single teaching faculty member is unlikely to have significant responsibility for student and campus activities, except when serving as an advisor to a student group. A physician in a campus health center or a counselor in a counseling center whose only responsibility is to provide care to students are unlikely to have significant responsibility for student and campus activities. Also, clerical staff are unlikely to have significant responsibility for student and campus activities.

The Gordon Police Department works with departments on campus and in non-campus locations, as appropriate, to identify CSAs and provide training aimed at ensuring that all CSAs are well prepared to appropriately report criminal activity.
**Crime Reporting and Professional or Pastoral Counselors**

By federal law, professional and pastoral counselors, when acting as such, are not considered to be Campus Security Authorities and are not required to report crimes for inclusion in annual disclosure of crime statistics. However, the professional and pastoral counselors at Gordon College are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary, confidential basis to the campus police.

**Daily Crime Log**

As required by law, GCPD maintains a daily crime log that includes all reports of crimes received by GCPD that occurred in the following locations:

- on campus;
- at non-campus locations (defined by federal law as off campus buildings or properties owned or controlled by the college, used in direct support of or in relation to the institution’s educational purposes, and frequently used by students); and
- on public property, immediately adjacent to and accessible from the campus.

The crime log can be found on the website at the following address, and a paper copy will be provided upon request:

https://go.gordon.edu/departments/police/police/crimestatistics.cfm

**Timely Warning Notices and Emergency Notifications**

The Clery Act requires colleges and universities to issue “timely warning” to the campus community regarding any Clery Act crime that is reported to campus security authorities (or to local law enforcement where local law enforcement timely informs the institution of the incident); occurs within the institution’s Clery-defined geography; and is deemed to represent a serious or continuing threat to the campus community. The Clery Act also requires colleges and universities to issue “emergency notification” to the campus community upon confirmation of a significant emergency or dangerous situation occurring on campus and involving an immediate threat to the health or safety of employees or students.

“Timely warnings” and “emergency notifications” seek to accomplish the same objective—timely notice to the community regarding ongoing risk of danger. However, they are distinguishable in terms of what circumstances trigger each type of obligation and when those warnings must be issued. Each type of warning is described in greater detail below.

All crime should be reported directly to the Gordon College Police Department (“GCPD”), particularly where an incident may involve the need for issuance of a Timely Warning to the campus community. All reports of crimes to the GCPD may be made on an anonymous basis.

All members of the Gordon College (“Gordon” or the “College”) community are notified on an annual basis that they are encouraged to notify the GCPD of any situation or incident on campus that involves a significant emergency or dangerous situation that may involve an immediate or ongoing threat to the health and safety of students and/or employees on campus.

**TIMELY WARNINGS (CRIME ALERTS)**

When Does Gordon College Issue a Timely Warning?

The College, through the GCPD, issues timely warnings called “Crime Alerts” concerning Clery Act crimes that occur on the College’s Clery geography, where those crimes pose a
serious or continuing threat to the safety of the campus community. The decision to issue a timely warning is made on a case by case basis, as soon as pertinent information becomes available, and in light of all known circumstances surrounding a reported crime, including factors such as the nature of the crime reported, whether there exists a serious or continuing danger to the campus community, and the possible risk of compromising law enforcement efforts to mitigate such danger or to assist victims.

When Does the College NOT Issue a Timely Warning?

Timely Warning may not be issued:

- If an individual suspected of committing a Clery Act crime is apprehended and/or the threat of imminent danger to the community has been mitigated; or
- If a report of an incident was not filed with a campus security authority or the GCPD, whether by a victim or witness;
- If GCPD was not notified of the crime in a manner that would allow the department to issue a timely warning to the community;
- Where issuing a Timely Warning would create a risk of compromising law enforcement efforts to mitigate danger or assist victims; or
- When the situation represents an immediate threat to campus safety and the College issues an “Emergency Notification” (see below) to the campus community (in which case a separate Timely Warning will not be issued; however, the College will provide follow-up information to the community, as needed).

Circumstances relevant to a determination not to issue a Timely Warning will be evaluated on a case by case basis.

What is the College’s process for determining whether to issue a Timely Warning?

The process the College will follow when determining whether to issue a Timely Warning is simple and designed to expedite decision making and notification to the community. Upon receiving a report that may result in the issuance of a Timely Warning, the GCPD’s chief, or his or her designee, will analyze the incident and consult, when necessary, with other College departments (e.g. Student Life, Title IX Coordinator, etc.). This consultation may be conducted in person, via telephone, email, or text messaging, and may be undertaken for the purpose of discussing relevant facts, the level of threat to the campus community, whether a Timely Warning will be issued, and the content of any Timely Warning.

How does the College distribute Timely Warnings?

Upon determining to issue a Crime Alert, the GCPD Chief or his or her designee will draft an email containing the proposed Crime Alert and will forward the draft to College Communications for prompt review and approval. The Crime Alert will then be disseminated via blast email to the entire campus community. Updates to the campus community and suggestions for related protective measures may be distributed electronically via blast email or posted on the College’s web site. If the College becomes aware that the threat has been mitigated, it may issue an email advising the community.

What information might be contained in a Timely Warning?

Timely Warning will be issued in a manner that withholds as confidential the names and other identifying information of victims, witnesses or callers. It will typically include the following information, unless publishing any of this information might risk compromising law enforcement efforts:

- Date and time, or timeframe, of the incident;
Safety Advisories

In circumstances not requiring issuance of a Timely Warning, but in which the College community may benefit from notification concerning a reported crime, the College may issue such notice in the form of a “Safety Advisory.” Safety Advisories may be issued to inform the campus community about a report of serious crime occurring off-campus but close by, or they may be issued to the community to inform about a pattern of less serious crimes occurring on campus (e.g., a pattern of larcenies or vandalisms) that do not rise to the level of causing a serious or continuing threat to the campus community. In addition, they may be distributed for other safety concerns (e.g., mulch fires, minor assaults, etc.). In such cases, Safety Advisories may be sent to a limited segment of the community likely to be affected by the crime or concern.

EMERGENCY NOTIFICATIONS

When Does Gordon College Issue an Emergency Notification?

Upon confirmation of a significant emergency or dangerous situation occurring on the campus that involves an immediate threat to the health or safety of students or employees, the College, through the GCPD, will immediately notify the campus community or the appropriate segments of the community that may be affected by the situation, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

An “immediate” threat as used here includes an imminent or impending threat, such as an armed intruder, approaching tornado, or an active fire in a campus buildings.

Some other examples of significant emergencies or dangerous situations are:

- An active threat/shooter incident or a "gunman" at large;
- A nearby, life-threatening and wide-spread hazardous material incident;
- A credible bomb threat; or
- A serious weather emergency (such as a hurricane or tornado).

When Does the College NOT Issue an Emergency Notification?

If, upon confirmation of the details of the situation, it is determined that it does not represent a serious emergency or dangerous situation that is presenting an immediate (imminent or impending) threat to the health or safety of students and employees on campus, an Emergency Notification will not be issued. Some examples of situations that would typically not necessitate an emergency notification are:

- A power outage;
- Snow closure; or
- A string of larcenies.
These are situations in which the College might choose to alert the campus community. If such notification is deemed beneficial, the College may choose to issue a “Safety Advisory” above.

**What is the College's process for determining whether to issue an Emergency Notification?**

The process the College will follow when determining whether to issue an Emergency Notification is simple and designed to expedite decision making and notification to the community. If, in the judgment of the GCPD officer-in-charge (OIC), there is serious emergency or dangerous situation that presents an immediate threat to the health or safety of students or employees, the OIC will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities (including, but not limited to: GCPD, the Wenham Police, the Wenham Fire Department, the MA State Police), compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency. In addition, GCPD personnel will be dispatched, and a 911 call will be made to trigger a response from the appropriate jurisdictional first-responder authority.

**How does the College distribute Emergency Notifications?**

For most emergencies requiring Emergency Notification, GCPD will utilize the College mass notification system to notify the campus community or the appropriate segments of the community that may be affected by the situation. Whenever possible and when appropriate, pre-saved messages will be used to enable faster dissemination of the notification. Depending on the nature of the emergency and/or the segments of the community affected, some or all of the following methods of communication may be activated:

- The College mass notification system;
- Network emails; or
- The College website.

In addition, GCPD cruisers are equipped with public address systems, and these can be used to communicate with outdoor, localized segments of the community, when appropriate.

For certain localized threats (such as a gas leak in one building), the local fire alarm system in that building may be used to immediately alert the residents of the need to evacuate the building, and follow up notification may be sent using one of the above methods as more specific information becomes available.

GCPD or a designee will post updates during a critical incident on the College Campus web site or via one of the methods above. The College will issue a notification (“all clear”), usually via the mass notification system, when emergency conditions have abated.

**What information might be contained in an Emergency Notification?**

An emergency notification typically will include the following information, unless it will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency:

- The type of threat that has been confirmed (e.g. “We have received a credible report of an active threat;” “There is a hazardous condition;” “The National Weather Service has issued a TORNADO WARNING for our area.” etc);
- The location (which may be general, such as “On our campus” or specific, depending on the information available and the nature of the emergency);
• Instructions and/or information to promote safety for the community or the segment of the community affected by the emergency (e.g. “LOCKDOWN immediately away from doors and windows and deny entry to any unknown person.”); and
• Information about updates and how to know when the emergency has been mitigated (e.g. “Please remain LOCKED DOWN until you receive an ALL CLEAR message.”)

Depending on what segments of the community the notification targets, the content may differ.

Emergency Notification System

The Gordon College emergency notification system can rapidly alert the campus community via telephone, cellular phone, text message, email, computer screen alert (on college-owned computers on the campus network), and emergency beacons (located in certain buildings around campus). The system depends on accurate contact information, so students, faculty and staff members are encouraged to update regularly. The Emergency Contact form can be updated by clicking “Edit My Account” at the top of the GO site home page; or, access it directly at this URL:

https://go.gordon.edu/general/CampusNotify/

Twice a year (on the first day of classes for each new semester), the college conducts an announced test of the emergency notification system. The college maintains a report of the test, detailing the success of each method (email, phone, text, etc.) attempted for a particular community member. College officials then attempt to resolve failed delivery methods to ensure proper notification during a true emergency.

Emergency Response Procedures

The Gordon College Emergency Management Plan includes information about campus response to critical or emergency incidents, performance expectations, and shelter-in-place and evacuation guidelines. GCPD, Physical Plant, and Student Life are responsible for developing contingency plans and continuity of operations plans for their staff, students and areas of responsibility. The college conducts emergency response exercises each year, such as table-top exercises, evacuation drills (fire drills), and tests of the emergency notification systems on campus. These tests are designed to assess and evaluate the emergency plans and capabilities of the College.

GCPD officers and supervisors have received training in the incident command system. When a serious incident occurs that causes an immediate threat to the campus, the first responders to the scene are usually the Gordon Police and emergency responders from the Physical Plant department, followed by the Wenham Police and Fire departments; they typically respond and work together to manage the incident. Depending on the nature of the incident, other Gordon College departments and other local or federal agencies could also be involved in response.

All members of the Gordon College community are required to notify GCPD of any situation or incident on campus that involves a significant emergency or dangerous situation that may involve an immediate or ongoing threat to the health and safety of students and/or employees on campus. GCPD officers have the responsibility of responding to, and summoning the necessary resources, to mitigate, investigate, and document any situation that may cause a significant emergency or dangerous situation. In addition, GCPD has a responsibility to respond to such incidents to determine if the situation does in fact, pose a threat to the community. If that is the case, federal law
Evacuation Procedures

In the event of an incident or condition that requires evacuation of campus or buildings on campus, GCPD officers will coordinate the response of emergency responders and the evacuation of the affected community members. An emergency notification message will be distributed, including details about the buildings or areas affected and the nature of the evacuation (e.g. reason for evacuation, evacuation of entire campus or of specific buildings occupants to a campus shelter, etc.).

An evacuation drill (fire drill) is coordinated by the Physical Plant department each semester for all residential facilities on the main campus. At Gordon College, evacuation drills are used as a way to educate and train occupants on issues specific to their buildings. During the drill, occupants practice evacuation procedures, familiarize themselves with the sound of the fire alarm and are provided guidance about the direction they should travel when exiting each building for a short-term building evacuation. The process also provides the College an opportunity to test the operation of fire alarm system components. Gordon College does not tell residents in advance about the designated locations for long-term evacuations because those decisions are affected by time of day, location of the building being evacuated, the availability of the various designated emergency gathering locations on campus, and other factors such as the location and nature of the threat. In these cases, GCPD and Residence Life staff on the scene will communicate information to students regarding the developing situation or any evacuation status changes. Gordon College will publish a summary of its emergency response and evacuation procedures in conjunction with at least one drill or exercise each calendar year.

Shelter-in-Place Procedures

If we become aware of a hazardous or unsafe condition (e.g. hurricane, tornado, chemical spill, etc.) on or near the campus, Gordon Police, in consultation with other campus departments, as appropriate, will make a determination that it is safer to stay indoors. To "shelter-in-place" means to make a shelter of the building that you are currently in; with a few adjustments, this location can be made even safer and more comfortable until it is safe to go outside.

If an incident occurs and the building you are in is not damaged, stay inside—seeking an interior room—until you are told it is safe to come out. If your building is damaged, or you are directed to do so by Residence Life staff or GCPD officers, take your personal belongings (purse, wallet, I.D card, etc.) and follow the evacuation procedures for your building (close your door, proceed to the nearest exit, and use the stairs instead of the elevators). Once you have evacuated, seek shelter at the nearest college building quickly. If necessary, College staff may direct you to a specific building. If police or fire department personnel are on the scene, follow their directions.

How You Will Know to “Shelter-in-Place?”

A shelter-in-place notification may come from several sources, including GCPD, Residence Life staff members, other College employees, or the federal or state government. Whenever possible, Gordon College will notify the entire community of a “shelter-in-place” by means of the emergency notification system.

How to “Shelter-in-Place”

No matter where you are, the basic steps of shelter-in-place will generally remain the same. Should the need ever arise, follow these steps, unless instructed otherwise by local emergency personnel:
1. If you are inside, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If you are outdoors, proceed into the closest building quickly, or follow instructions from emergency personnel on the scene.
2. Locate a room to shelter inside. It should be an interior room and without windows or with the least number of windows possible.
   - NOTE: If there is a large group of people inside a particular building, several rooms may be necessary
3. Shut and lock all windows (tighter seal) and close exterior doors.
4. Turn off air conditioners, heaters, and fans.
5. Make a list of the people with you and ask someone (Residence Life staff, faculty, or other staff) to call the list in to GCPD so they know where you are sheltering. If only students are present, one of the students should call in the list.
6. Monitor the College website, email, radio or television for further instructions.
7. Make yourself comfortable.

**Active Threat Procedures**

An “active threat” (often, but not always, a shooter) is an individual who is engaged in killing or attempting to kill people in a confined and populated area; there is usually no pattern or method to their selection of victims. In most cases, firearms are used, but incidents involving knives and other weapons may be equally deadly. Active threat incidents are unpredictable and evolve quickly. Knowing what to do and having a plan can save lives.

When an Active Threat is in your vicinity, you must be prepared both mentally and physically to deal with the situation. You have three options: RUN, HIDE or FIGHT.

**“RUN” Guidelines**
- Have an escape route and plan in mind
- Leave your belongings behind
- Run away from the threat, using cover or concealment, when possible
- Evacuate, regardless of whether others agree to follow
- Help others escape, if possible
- Do not attempt to move the wounded
- Keep your hands visible, especially when approaching law enforcement
- Call 911 when you are safe

**“HIDE (AKA LOCKDOWN)” Guidelines**
- Hide in an area out of the shooter’s view
- Lock door and/or block entry to your hiding place
- Silence your cell phone (including vibrate mode) and remain quiet
- Prepare yourself to fight, in case it becomes necessary

**“FIGHT” Guidelines**
- Fight as a last resort and only when your life is in imminent danger
- Attempt to incapacitate the shooter
- Act with as much physical aggression as possible
• Improvise weapons or throw items at the active threat
• Commit fully to your actions . . . your life depends on it

What To Do When Law Enforcement Arrives
• Remain calm and follow instructions
• Drop items in your hands (e.g., bags, jackets)
• Raise hands and spread fingers, and keep hands visible at all times
• Avoid quick movements toward officers (such as holding on to them for safety)
• Avoid pointing, screaming or yelling
• Do not ask questions when evacuating

Information You Should Provide To 911
• Location of the active threat
• Number of shooters/assailants
• Physical description of shooters/assailants
• Number and type of weapons
• Number of potential victims at location

How Will You Know When There Is An Active Threat On Campus?
It is important that you prepare mentally to make a quick decision and determine the most reasonable way to protect your own life. If you hear something that sounds like gunshots, assume it is and act accordingly. Pay attention to crowd noise and response, and be prepared to decide whether you can safely RUN, whether it is best to HIDE/LOCKDOWN, or whether you need to prepare to FIGHT.

When GCPD receives any credible report of a possible active threat, an emergency notification will immediately go out via the emergency notification system. If you receive an “active threat” notification and have no reason (based on your own observations) to think the threat is nearby, you SHOULD LOCKDOWN IMMEDIATELY. Once you are secure, you should listen and carefully assess, as the situation may change. GCPD will send additional messages as information is available. Unless it is necessary or appropriate to RUN, remain in place until you receive an “all clear” message from GCPD, or you are contacted by law enforcement.

Local Police and Monitoring of Off Campus Housing
Gordon College does not have any officially recognized student organizations that have off campus housing facilities. However, there are at times official college programs that maintain off campus residence facilities (i.e. non-campus facilities). The college does not use local law enforcement agencies to monitor or record activities at those locations. They are within the jurisdiction of the local law enforcement agency, who will respond to those locations when police services are required.

Access to Campus Facilities and Facility Security
The campus has unrestricted access hours during the day and into the evening (usually 6:00 a.m.-10:00 p.m.). At night, vehicle access is always allowed at the main entrance; however, drivers of vehicles not displaying a current parking permit may be asked their reason for entering campus. Campus drivers may access the Woodland lot at night by use of a card swipe. Emergencies or special events may necessitate changes to the unrestricted access hours. Since the campus is not gated, it is always accessible to
members of the public on foot. For this reason, we ask that you please promptly report suspicious individuals and activities to the campus police.

Most facilities and administrative buildings have individual hours, and the hours may vary at different times of the year. With the exception of the Bennett Athletic Center, most academic buildings and non-residential facilities are not staffed with security officers or access monitors; so, they are open to the public, at a minimum, during normal business hours. At the Bennett Center, a desk attendant generally screens people entering the building and determines whether they have a legitimate reason to access the facility. Once a building has been secured for the night, only authorized people will be permitted to stay in or enter the building. Lone occupants of a building after hours should inform GCPD both of their presence and when they depart. For information about access protocols for a specific building or area, contact the appropriate department head, or contact GCPD at police@gordon.edu.

Campus residence halls are generally locked 24 hours a day, and access is restricted to residents, their approved guests, and other approved members of the campus community. Campus residence halls are not staffed with building access monitors. Residents are cautioned against permitting strangers to enter the buildings and are urged to require those individuals seeking entry to use their access cards or keys. Residents are also asked to refrain from propping doors. Such actions affect the safety of other residents, and students observed propping residence hall doors will be fined by Residence Life staff. Individual rooms should also be locked whenever left unattended.

Members of residence life staff generally conduct building rounds during the evening, and a GCPD officer will check the outside doors and access routes at night. GCPD will admit only residents of a building. Suspicious persons should be reported to GCPD or Residence Life.

Soliciting is allowed only after prior approval of the Vice President for Finance in conjunction with the Dean of Students. If anyone is observed soliciting in a residence hall, they are probably unauthorized; please call GCPD.

**Reporting Campus Facility Security Concerns or Safety Hazards**

Gordon College is committed to maintaining a safe campus environment and to promptly addressing security considerations in the maintenance of campus facilities. Facilities and landscaping are maintained in a manner that minimizes hazardous conditions.

If you observe a safety or security hazard or defect (e.g. lighting issues, broken residence room lock, trip hazard etc.), please report it promptly. During business hours, you may report directly to Physical Plant at 978.867.4302. During other hours, please report facility safety hazards or security concerns to GCPD at 978.867.4444. GCPD will assess the issue and arrange for prompt remediation by appropriate Physical Plant personnel.

**Crime Prevention and Security Awareness Programs**

Crime prevention is a community affair. Prompt reporting of suspicious activity is a very real and effective tool in curtailing crime. The college encourages members of the campus community to be responsible for their own security and the security of others.

GCPD has an officer available to make crime prevention presentations in residence halls by request. Officers visit residence hall meetings in the beginning of the fall semester to explain the services offered by the department and to make students aware of the contribution they can make to the safety of the campus. GCPD is also available to assist other campus agencies sponsoring crime prevention programs.

GCPD officers will provide safety escorts between campus locations at night. During the daytime, escorts will be provided only for specific, reasonable safety concerns and medical needs.
Emergency phones may be found in various locations around campus. Among the places they can be found are:

- the Bromley/Ferrin lot near Hilton Hall;
- in the A. J. Gordon Chapel parking lot near Lewis Hall;
- in the Bennett Center parking lot;
- in front of Tavilla Hall;
- in front of Phillips Music Center on the Coy Pond side;
- inside Bethel Chapel (in Frost Hall);
- at the Gull Pond gate;
- at the Gull Pond beach (this is not a phone, but simply alerts GCPD of an activation, at which time officers will immediately respond to the beach to investigate and assist);
- along the sidewalk leading to the Woodland lot; and,
- at several locations within the Woodland parking lot.

Also, a normal campus phone is installed at the main entrance of each campus residence halls, and it is labelled with the campus emergency number (dial 3333 in an emergency).

**EverFi Sexual Assault Training Program**

All Gordon College students are required to complete EverFi Sexual Assault Prevention — an online training program that addresses the critical issues of sexual assault, relationship violence, and stalking.

The training uses a population-level approach to educate all students on the issues associated with sexual assault and relationship violence, taking into account their unique perspectives and experiences, providing:

- Key definitions and statistics, including training on the definition of “consent,” “dating violence,” “domestic violence,” sexual assault,” and “stalking;”
- Reflective and personalized content;
- Bystander intervention training aimed at providing safe and positive options and confidence-building strategies; and
- Campus-specific resources, procedures and policies, including the college’s prohibition of dating violence, domestic violence, sexual assault and stalking.

**Rape Aggression Defense (R.A.D.) Training**

Several GCPD officers are certified instructors of the Rape Aggression Defense (R.A.D.) Basic Physical Defense course for women. GCPD will offer the sixteen-hour (four four-hour sessions) course on campus to interested female students, faculty, and staff members.

With a combination of classroom instruction in risk awareness, prevention, and reduction, hands-on defense training, and challenging practice simulations, R.A.D. seeks to develop and enhance the options of self defense, so they may become viable considerations to the woman who is attacked.

R.A.D. is the largest network of its kind, with over 2000 instructors actively teaching at various colleges and institutions today. R.A.D. has trained over 200,000 women since the program began in 1989 and is the only existing program with a free lifetime return and practice policy, honored throughout both the US and Canada. R.A.D. is the only self-defense program ever endorsed by the International Association of Campus Law Enforcement Administrators (IACLEA).
**Active Threat Response Training**

Annually (and at other times upon request), GCPD provides active threat response training for students, faculty and staff; the training is mandatory for new students (first-year and transfer during their first semester at the college). This program is designed to increase one's chance of surviving an active shooter or violent intruder event on campus. The program encourages community members to take ownership of their safety and develop a personal plan for response to an active threat situation on campus. It offers practical suggestions aimed at preparing individuals to make decisions about whether to escape, lockdown or fight back.

**Employee Sexual Misconduct Training**

The Human Resources Department provides online training for all new employees aimed educating them about sexual misconduct and workplace harassment and fostering a respectful, supportive, and safe campus environment.

**Alcohol & Drug Use**

Gordon College seeks to protect the public health of the campus community by promoting a drug-free environment in compliance with the *Drug-Free Schools and Communities Act of 1989*. Gordon College prohibits the possession, use, or distribution of alcohol or illegal drugs on Gordon College property. Use of alcohol by an underage student or abuse of alcohol by any student, on or off campus, is a sanctionable offense. Underage drinking is a violation of state law and abuse of alcohol is considered conduct unbecoming of a Gordon College student. Violation of these policies will result in disciplinary action with a variety of sanctions up to and including expulsion. Violations by faculty and staff may be grounds for immediate dismissal.

Students who express the need for help in dealing with drug or alcohol dependencies are encouraged to utilize counselors in the Counseling Center, who have training and experience in that area. In addition, off-campus agencies and self-help organizations can be contacted through the Counseling Center or Residence Life staff.

Whenever feasible, Gordon College will assist employees in overcoming drug or alcohol abuse. Staff or faculty will be supported in dealing with dependency problems through release time and college health insurance, which includes coverage for counseling and therapy. Employees with drug or alcohol-related problems should contact the director of personnel, their supervisor, or Student Life.

For complete details, the Gordon College Drug-Free Schools and Communities Act policy can be viewed in the Student Handbook, which is accessible here:

http://www.gordon.edu/studenthandbook

**Missing Student Notification for Resident Students**

If a member of the college community has reason to believe that a student who resides in on campus housing is missing, he or she should immediately notify GCPD at 978-867-3333. GCPD will generate a missing person report and initiate an investigation. After investigating the report, should GCPD officers determine that the student is missing and has been missing for more than 24 hours, they will initiate missing person notification procedures.

Gordon College students are required to provide confidential emergency contact information during the registration process each year. This information will be registered and stored confidentially and will only be accessible to authorized campus officials or GCPD officers in the event of an emergency. It will not be disclosed to anyone else or for non-emergency reasons. Students who move into on campus residential housing after the
start of the school year will be given an opportunity to register or update confidential emergency contact information.

When missing person notification procedures are initiated, authorized campus officials or GCPD officers will access confidential emergency contact information and will notify the student's emergency contact within 24 hours of the determination that the student is missing. In addition, the college will make the following notifications:

- If the student is under 18 years of age and is not emancipated, the college must notify the student’s parent or legal guardian, in addition to notifying any additional contact person designated by the student.
- In all cases, the college will notify the Wenham Police.

Federal law requires that these notification procedures be initiated when a resident student has been determined to have been missing for 24 hours; however, Gordon College officials will make every reasonable effort to initiate notification sooner if there is reason to believe the student is missing, but 24 hours has not yet elapsed.

**Sexual Misconduct Policy (October 2020 Revision)**

As a Christian community of higher education, Gordon College is committed to providing a liberal arts education in an environment shaped by ideals and standards consistent with a Christian worldview. Inherent in a Christian worldview are the biblical injunctions to live to the glory of God and to recognize the Lordship of Christ in every activity.

Human beings, being created in God’s image, are endowed by God with dignity and worth. Those are foundational values at Gordon for developing and maintaining a learning and working environment characterized by integrity, mutual respect, and accountability. All members of the Gordon community have a responsibility to foster a respectful, supportive, and safe campus environment.

Given this foundation of human dignity and worth, Gordon College approaches issues of discrimination and harassment (including, but not limited to, sexual misconduct in all its forms, stalking and intimate partner violence) not just as behaviors prohibited by applicable state and federal law, but as conduct that is antithetical to the scriptural values this community espouses. Sexual misconduct is harmful not only to the individuals involved, but it undermines the entire community. Gordon College prohibits all forms of sexual misconduct, as defined in this policy; we regard sexual misconduct as a serious offense, and a violation of trust and integrity. Such violations will result in discipline, including expulsion or termination of employment. State and federal laws also address conduct that may meet Gordon College’s definition of prohibited conduct, and criminal prosecution may take place independently of any disciplinary action instituted by Gordon College.

The current policy, which includes information on how to report and a detailed description of supportive measures and resolution options, can be found at the end of this report (see **Appendix A: GORDON COLLEGE INTERIM* POLICY ON SEXUAL MISCONDUCT**).

**Sexual Offender Registration**

In accordance with the Campus Sex Crimes Prevention Act of 2000 (CSCPA) (which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act, and the Family Educational Rights and Privacy Act of 1974), the College provides a link (below) to the MA Sex Offender Registry Board’s searchable database of registered level three sex offenders. CSCPA is a federal law that requires institutions of higher learning to issue a statement advising the campus community where state law enforcement information concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a state to
provide notice of each institution of higher education in that state at which the person is employed, carries a vocation, or is a student.

The Massachusetts Sex Offender Registry Board database is available online. Registry information provided under this section shall be used for the purposes of the administration of criminal justice, screening of current or prospective employees or volunteers, or otherwise for the protection of the public in general and children in particular. Unlawful use of this information for the purpose of intimidating or harassing another person is prohibited by law; a willful violation shall be punishable as a criminal misdemeanor.

The Massachusetts online registry can be found at: [http://sorb.chs.state.ma.us/](http://sorb.chs.state.ma.us/)

**2017-2019 Crime Statistics**

GCPD is responsible to collect crime data and prepare this report in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The report is prepared with cooperation from Student Life and other area law enforcement agencies.

Campus crime, arrest, and referral statistics include those crimes reported to GCPD, designated campus security authorities (including deans, Residence Life staff, club/organization advisors and athletic coaches) and local law enforcement agencies.

Each year, an email notification that provides the report (or the web address to access the report) is sent to faculty, staff, and all enrolled students. This year, the report (including crime statistics) can be accessed at the following website:

- For the Gordon College community: [https://go.gordon.edu/departments/police/police/campussafety.cfm](https://go.gordon.edu/departments/police/police/campussafety.cfm)
- For the general public: [http://www.gordon.edu/clery](http://www.gordon.edu/clery)

As required by law, crime statistics for the previous three calendar years can also be found below.

**Definitions of Crime Categories**

The following definitions and explanations apply to the crime statistics listed in the crime statistics table (below, just after the definitions):

**Murder/Non-negligent Manslaughter:** the willful (non-negligent) killing of one human being by another. NOTE: Deaths caused by negligence, attempts to kill, assaults to kill, suicides, accidental deaths, and justifiable homicides are excluded.

**Negligent Manslaughter:** the killing of another person through gross negligence.

**Robbery:** the taking or attempting to take anything from value of the care, custody or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**Aggravated Assault:** an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed.

**Burglary:** the unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.
**Motor Vehicle Theft**: the theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access, even though the vehicles are later abandoned, including joy riding).

**Arson**: the willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another kind.

**Domestic Violence**: the term “domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or 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.

NOTE: As required by federal law, the above definition is used to determine inclusion in the statistics below. However, the college’s prevention and awareness programs will also include the following Massachusetts law definitions of domestic violence: those who are or were married, living together (including college roommates & apartment mates), those related by blood or marriage, and those involved in a substantive dating or engagement relationship.

**Dating Violence**: the term “dating violence” means violence committed by a person:

A. who is or has been in a social relationship of a romantic or intimate nature with the victim; and

B. where the existence of such a relationship shall be determined based on a consideration of the following factors: (1.) the length of the relationship; (2.) the type of relationship; (3.) the frequency of interaction between the persons involved in the relationship.

NOTE: As required by federal law, the above definition is used to determine inclusion in the statistics below. However, the college’s prevention and awareness programs will also include the Massachusetts law definitions of dating violence. Under MA law, the time elapsed since the end of the relationship would also be a factor.

**Stalking**: The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.

NOTE: As required by federal law, the above definition is used to determine inclusion in these statistics. However, the college’s awareness programs will also include the MA law definition of Stalking. Under MA law, “Stalking” also requires a threat with intent to cause imminent fear of death or bodily injury. The MA crime of “Criminal Harassment” is the same as the federal definition of “Stalking” above.

**Weapon Law Violations**: The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit the above.

**Drug Abuse Violations**: Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadones); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

**Liquor Law Violations**: The violation of laws or ordinance prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate
person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

**Sexual Assault:** sexual assault is defined for the purposes of this policy as a sex offense that meets the definition of rape, fondling, incest, or statutory rape (defined below). Statistics for sexual assault are included for the following categories:

**Rape:** penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This definition includes any gender of victim or perpetrator.

**Fondling:** the touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

**Incest:** non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape:** non-forcible sexual intercourse with a person who is under the statutory age of consent.

**Hate Crime Explanation**

Federal law requires that we report statistics for hate (bias) related crimes by the type of bias (defined below) for the following classifications: murder/non-negligent manslaughter, negligent manslaughter, sex offenses (forcible & non-forcible), robbery, aggravated assault, burglary, motor vehicle theft, arson (see definitions above) and larceny, vandalism, intimidation, and simple assault (see definitions below):

**Larceny:** the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.

**Vandalism:** to willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.

**Intimidation:** to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

**Simple Assault:** an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

If a hate crime occurs where there is an incident involving intimidation, vandalism, larceny, simple assault or other bodily injury, the law requires that the statistic be reported as a hate crime even though there is no requirement to report the crime classification in any other area of the compliance document.

A hate or bias-related crime is not a separate, distinct crime, but is the commission of a criminal offense which was motivated by the offender’s bias. For example, a subject assaults a victim, which is a crime. If the facts of the case indicate the offender was motivated to commit the offense because of his/her bias against the victim’s race, sexual orientation, gender, religion, ethnicity, national origin, gender identity, or disability, the assault is then also classified as a hate/bias crime.
Definitions of Geography

**Campus:** any building or property owned or controlled by the institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the institution’s educational purposes, including residence halls; and any building or property that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes. *Note: Statistics for campus residential facilities are recorded in both the Campus category and the Residential category.*

**Residential (or On-Campus Student Housing; “residen.” on the statistics table below):** any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility (residential). *Note: Statistics for campus residential facilities are recorded in both the Campus category and the Residential category.*

**Non-Campus Building or Property (“non-camp” on the statistics table below):** any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by the institution that is used in direct support of or in relation to the institution’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the campus.

**Public Property (“public” on the statistics table below):** all public property (including thoroughfares, streets, sidewalks, parking facilities) within the campus or immediately adjacent to and accessible from the campus. This includes Grapevine Road and Hull Street, where they are within or adjacent to campus property. It would also include public land, such as the Wenham and Hamilton Woods recreation areas for up to one mile from the college property lines adjacent to those areas. It does not include private owned homes or businesses within or adjacent to the campus boundaries.

*Note: The above crime category, hate crime and geographical definitions apply to the crime statistics in the table on the next page.*
### Gordon College Campus Crime Statistics

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### Non-Clergy Crimes

The following statistics are not required by the Clery Act, but are provided for your information:

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*Incidents of bicycle larceny are also included in the general larceny statistics.

Caveat related to one “Forcible Fondling” count in 2017 (campus); a report was received in which the complainant reported a “sexual assault” on campus but did not provide further details or a detailed location. For statistical purposes, this was counted as one campus forcible fondling.

### Hate Crimes

Federal law requires that we disclose hate crime statistics for the previous three calendar years. The law also requires that we disclose reports of the following crimes if there is evidence of bias motivation: larceny, vandalism, intimidation and simple assault. There were no hate crimes reported for any of the required crime categories in 2017, 2018 or 2019.

### Unfounded Crimes

Federal law requires that we disclose information about reported crimes that were found through investigation to be baseless (unfounded). No reported crimes were determined to be unfounded in 2017, 2018 or 2019.
Gordon College Fire Safety Report (2020-21)

The Higher Education Opportunity Act (Public Law 110-315) requires all United States academic institutions to produce an annual fire safety report outlining fire safety practices, standards, and all fire-related on-campus statistics. The following report details the information required by this law as it relates to Gordon College.

What to do in the event of a fire or fire alarm

All fires should be reported immediately to GCPD at their emergency line: 978.867.3333. If there is a fire inside a campus building and it is safe to do so, the person observing the fire should evacuate immediately, but should activate a fire pull station on the way out of the building (pull stations are located on the wall near building exits).

In the event of a fire, the following guidelines will apply:

1. When an alarm sounds in your building, do not leave the same way you entered, unless it is the shortest, quickest and/or safest exit from the building;
2. Always know two ways out of any room/building you are in;
3. Be sensitive to people with special needs, and lend them a hand if able;
4. Assemble in the areas indicated for accountability reasons, and never right next to the building; firefighters and police will need the perimeter to park their equipment, investigate, or, work a fire;
5. Look for people who you know should be there; if you do not see them, notify fire officials;
6. Never re-enter a building while the alarm is still sounding, unless instructed otherwise by a fire official;
7. Never use the elevator to escape!

General Statement of College Owned/Controlled Student Housing

For the latest reporting year (2019), Gordon College utilized 17 buildings as residence halls. Fourteen are completely covered by an integrated automatic sprinkler and fire alarm system, which is monitored 24 hours/day, seven days/week. Two have no sprinklers but are equipped with a fire alarm system which is monitored 24 hours/day, seven days/week. Eleven of these buildings are also equipped with emergency generators that are designed to automatically activate whenever there is a power loss. These generators will operate life safety systems including fire safety equipment, sprinkler systems, hallway lighting, emergency exit doors, and lighting in all emergency exit stairwells. The remaining residence halls are equipped to accept service from portable generators that will permit students to remain safely in their dorms in the event of a power outage.

All members of our residence hall staff receive intensive and comprehensive fire safety training at the beginning of each academic year (R.A. Fire Academy). In addition, a quality control program that covers emergency and evacuation procedures is reviewed regularly with the occupants and staff of each respective residence hall. The Gordon College Fire Safety Report is distributed to each resident annually; it includes information on fire safety, as well as appropriate action steps to take during a fire alarm or fire emergency. Fire drills are conducted twice per year in coordination with the Wenham Fire Department and Campus Police. Basic fire safety instruction is offered to all RDs, RAs, ACs, and, Physical Plant employees annually.
Specific Fire Prevention Related Policies

It is the policy of Gordon College to provide faculty, staff, students and visitors with the safest possible environment, free from potential fire hazards. The primary goal of the college's fire prevention program is to recognize hazardous conditions and take appropriate action before such conditions result in a fire emergency. This goal is accomplished by conducting periodic fire safety inspections of all college buildings.

Regarding fire safety inspections, fire and life safety features of the buildings shall be in compliance with all applicable standards of the National Fire Protection Association (NFPA) and the local Authority Having Jurisdiction (AHJ). Residence hall staff conduct fire safety inspections of all College residence buildings and teams from Physical Plant conduct fire safety inspections of all academic and administrative buildings. Some buildings may be inspected more frequently, as deemed necessary. The local fire department, along with members of our campus safety team and Residence Life staff conduct follow up inspections to verify correction of all deficiencies once notification has been received.

Basic fire safety instruction is provided to all residential students during annual all-hall meetings. Commuters students are provided with an online fire safety training program. In addition, attendees of college orientation are provided with online fire safety training. Finally, fire safety training materials are available to all faculty, staff and students via the college intranet website (https://go.gordon.edu/departments/safety/firesafety.cfm).

Fire exit drills are conducted in each residence hall, once each semester. The Gordon Police and Physical Plant Departments coordinate with the Town of Wenham Police and Fire Departments in the investigation of each fire incident, when warranted.

To minimize the potential for fires at Gordon College, it is the policy of the college to prohibit open burning and the use of combustible decorations at all times (unless in accordance with other College policies and procedures, and/or authorized by the Authority Having Jurisdiction). Open burning, as defined by the college, is any open/exposed flame or combustion that produces heat, light or smoke, and has the potential to cause a fire. Examples of open burning are, but not limited to: candles, incense, bonfires, campfires, barbecue grills and their related accessories such as: gasoline, propane, lighter fluid, charcoal, and pyrotechnics. In addition, smoking on campus is prohibited.

All decorations and ornaments must be of fire-resistant or non-combustible material, U.L. rated and approved for use. They shall not be hung or posted on any fire protection equipment (fire hose cabinets, fire extinguishers, sprinkler heads and piping, smoke detectors, fire alarm pull boxes, etc.), on or near exits, on or near exit or emergency lights, on or near any other protective or operating feature provided by the College, or in any manner that could present a fall or trip hazard or impede egress. Only 14-gauge (or larger wire) extension cords may be used.

No Christmas lights may be used unless they utilize LED bulbs, and the LED Christmas lights are only allowed between the Monday after Thanksgiving and the last final of the Fall semester. Rope lights may be also used with limitations (see student handbook at http://www.gordon.edu/studenthandbook). They shall not be hung or posted on any fire protection equipment (fire hose cabinets, fire extinguishers, sprinkler heads and piping, smoke detectors, fire alarm pull boxes, etc.), on or near exits, over windows, on or near exit or emergency lights, on or near any other protective or operating feature provided by the College, or in any manner that could present a fall or trip hazard, or impede egress. Extension cords or decorative lights may not be routed under rugs or carpets, through doorways or in any manner that could present a fall or trip hazard, or impede egress.

It is the policy of the College that only artificial Holiday trees will be used and shall be of fire-retardant or non-combustible material. Indoor trees must be placed out of the way of
traffic, must not block doorways, exits, exit signs or any of the fire protection equipment (fire hose cabinets, fire extinguishers, sprinkler heads and piping, fire alarm pull boxes, smoke detectors, etc.), or placed in any manner that could present a fall or trip hazard, or impede egress. Holiday tree lights must be unplugged at the end of each day, and removed after the event or prior to the College's annual holiday closure. Artificial snow and other decorative sprays should be used with extreme caution; they shall not be used in laboratory and or clinical settings. Avoid spraying around exits, exit signs or any of the fire protection equipment (fire hose cabinets, fire extinguishers, sprinkler heads and piping, fire alarm pull boxes, smoke detectors, etc.).

To minimize the potential for fires at Gordon College, it is the policy of the college to prohibit the use of the following items inside any college-owned or operated facility (unless in accordance with other college policies and procedures, and or by the Authority Having Jurisdiction): Portable space heaters, barbecue grills, hibachis, smokers (gas, electric, charcoal) and related accessories including lighter fluids and lighters, and other similar type products (for cooking/warming purposes), any open flame device or object including candles, incense sticks and related accessories, hot plates, slow cookers, deep fryers, electric skillets, electric woks, griddles, sandwich makers/grills and other similar type products (for cooking/warming purposes), toaster ovens (for cooking/warming purposes), flammable/combustible liquids (for recreational/personal use), fireworks, firecrackers, rockets, flares, sparklers and other devices, halogen lamps, ceiling/wall tapestries, live Holiday trees or non-fire retardant artificial Holiday trees. The "cooking" and "warming" options exclude cooking and warming done in areas designed and built for such purposes. EXCEPTION: Portable Space Heaters (PSH) are allowed only by permission of Physical Plant, and only those PSHs approved by the Director of Physical Plant may be utilized.

In the event of a fire alarm in a residence hall, an evacuation map is provided on the back of every residence hall room door. All residents of that building are directed to the nearest exits to safely and quickly exit the building. Assembly areas are designated for every residence hall to ensure residents have a safe place to wait, away from responding emergency vehicles. See list below.

**Residence Hall Assembly Areas**

- Bromley Hall - Drew Hall side of the building, as close to Drew as possible.
- Chase Hall - Mini-Quad, closer to Wilson Hall
- Conrad Hall - The grass area between Conrad and Rider, but closer to Rider (if necessary for safety, the entire assembly should move behind Rider Hall).
- Drew Hall - Quad side of Drew, beyond the sidewalk
- Evans Hall - Mini-quad side, closer to Chase Hall
- Ferrin Hall - Across campus roadway on Wilson side lawn, closer to Wilson Hall
- Fulton Hall - Between Nyland & Fulton, parking lot side, and closer to Fulton
- Gedney Hall - Behind Grace Hall
- Grace Hall - Parking Lot, closer to Wilson House driveway
- Hilton Hall - The grass area between Hilton and MacInnis, but closer to MacInnis (if necessary for safety, the entire assembly should move behind MacInnis Hall).
- Lewis Hall - Mini-quad side, closer to Wilson
- MacInnis Hall - The grass area between MacInnis and Conrad, but closer to Conrad (if necessary for safety, the entire assembly should move behind Conrad Hall).
- Nyland Hall - Between Nyland & Fulton, parking lot side toward Fulton
Rider Hall - The grass area between Rider and Conrad, but closer to Conrad (if necessary for safety, the entire assembly should move behind Conrad Hall).

Tavilla Hall - Patio area in front of Fulton Hall

Wilson Hall - Mini-quad side, closer to Chase Hall.

NOTE: The address of all residence halls is 255 Grapevine Road, Wenham, MA 01984.

**Statistical Fire and Fire System Reports**

As required by law, 2017-2019 fire statistics (as reported to Gordon College Campus Police) are provided below. The statistics were valid at publication, but may not reflect current trends.

**STATISTICS & RELATED INFO REGARDING FIRES IN RESIDENTIAL FACILITIES FOR 2019**

<table>
<thead>
<tr>
<th>Residential Facilities</th>
<th>Total Fires in Each Building</th>
<th>Fire Number</th>
<th>Cause of Fire</th>
<th>Number of Injuries that Required Treatment at a Medical Facility</th>
<th>Number of Deaths Related to Fire</th>
<th>Value of Property Damage Caused by Fire</th>
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</thead>
<tbody>
<tr>
<td>Bromley Hall</td>
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<td>0</td>
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<tr>
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# CAMPUS FIRE SAFETY RIGHT TO KNOW DATA

<table>
<thead>
<tr>
<th>BUILDING NAME</th>
<th>FIRE ALARMS MONITORED 24/7 AND BY WHOM</th>
<th>BUILDING EQUIPPED WITH SPRINKLER SYSTEM</th>
<th>BUILDING EQUIPPED WITH FIRE ALARMS SYSTEM AND SMOKE DETECTORS</th>
<th>EVACUATION PLANS POSTED &amp; FIRE SAFETY TRAINING CONDUCTED IN 2019</th>
<th>NUMBER OF EVACUATION DRILLS CONDUCTED IN 2019</th>
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<tr>
<td>Bromley Hall</td>
<td>YES — GCPD</td>
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<td>Conrad Hall</td>
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</tr>
</tbody>
</table>

*This building was only occupied for one semester, so only 1 drill was conducted.*
Gordon College Interim* Policy On Sexual
Misconduct
(Including Nondiscrimination and Harassment)

October 2020

*This Interim Policy was prepared in accordance with the new Title IX regulations that went into effect on August 14, 2020 (revised October 8, 2020). We understand that there are legal challenges to these regulations pending and that, if there is a new administration, the regulations may be withdrawn altogether. Therefore, given the uncertainty surrounding these new regulations, we reserve the right to modify this Policy as new guidance becomes available from the Department of Education, as the regulations themselves are modified or withdrawn as a result of further legal process, and/or as we refine our understanding of the new regulations.

TABLE OF CONTENTS

Section 1: Glossary, Introduction and Policies .............................................. 32
1. Glossary .......................................................................................................... 32
2. Introduction ..................................................................................................... 33
3. Rationale for Policy ........................................................................................ 34
4. Applicable Scope ........................................................................................... 34
5. Title IX Coordinator ....................................................................................... 35
6. Independence and Conflict-of-Interest ........................................................ 35
7. Title IX Administrative Contact Information ............................................. 36
8. Notice/Complaints of Discrimination, Harassment, and/or Retaliation ........ 38
9. Supportive Measures ...................................................................................... 38
10. Emergency Removal ...................................................................................... 40
11. Promptness .................................................................................................... 41
12. Privacy and Confidentiality .......................................................................... 41
13. Jurisdiction of the College ........................................................................... 42
14. Time Limits on Reporting ............................................................................ 43
15. Online Harassment and Misconduct ........................................................... 43
16. Policy on Nondiscrimination ....................................................................... 44
17. Policy on Discriminatory Harassment (with Definitions) ......................... 44
18. Policy on Unethical Relationships ............................................................... 51
19. Mandated Reporting .................................................................................... 53
20. When a Complainant Does Not Wish to Proceed ....................................... 55
21. Federal Timely Warning Obligations ......................................................... 56
22. False Allegations and Evidence .................................................................. 56
23. Counterclaims .............................................................................................. 56
Section 2: Process A ................................................................. 60
A.1. Overview ........................................................................ 60
A.2. Notice/Complaint ............................................................... 60
A.3. Initial Assessment of Notice or Complaint ......................... 61
A.4. Right to an Advisor ........................................................... 63
A.5. Resolution Processes ......................................................... 66
A.6. Formal Grievance Process Pool ......................................... 69
A.7. Formal Grievance Process: Notice of Investigation and Allegations ........................................ 70
A.8. Resolution Timeline .......................................................... 71
A.9. Appointment of Investigators ............................................. 71
A.10. Ensuring Impartiality ......................................................... 72
A.11. Investigation Timeline ....................................................... 72
A.12. Delays in the Investigation Process and Interactions with Law Enforcement ....................... 72
A.13. Steps in the Investigation Process ....................................... 73
A.14. Role and Participation of Witnesses in the Investigation ....... 74
A.15. Recording of Interviews ..................................................... 75
A.16. Evidentiary Considerations in the Investigation ................ 75
A.17. Referral for Hearing ........................................................ 75
A.18. Hearing Decision-maker Composition .............................. 76
A.19. Evidentiary Considerations in the Hearing ....................... 76
A.20. Notice of Hearing ............................................................ 77
A.21. Alternative Hearing Participation Options ......................... 78
A.22. Pre-Hearing Preparation .................................................. 78
A.23. Pre-Hearing Meetings ....................................................... 79
A.24. Hearing Procedures ........................................................ 79
A.25. Joint Hearings ................................................................. 80
A.26. The Order of the Hearing – Introductions and Explanation of Procedure ........................ 80
A.27. Investigator Presents the Final Investigation Report ........... 80
A.28. Testimony and Questioning .............................................. 81
A.29. Refusal to Submit to Cross-Examination and Inferences .... 82
A.30. Recording Hearings ......................................................... 83
A.31. Deliberation, Decision-making, and Standard of Proof ........................................... 83
A.32. Notice of Outcome ........................................................................................................ 84
A.33. Sanctions ....................................................................................................................... 85
A.34. Withdrawal or Resignation While Charges Pending ...................................................... 87
A.35. Appeals ......................................................................................................................... 88
A.36. Long-Term Remedies/Other Actions ............................................................................ 90
A.37. Failure to Comply with Sanctions and/or Interim and Long-term Remedies and/orResponsive Actions ........................................................................................................... 91
A.38. Recordkeeping .............................................................................................................. 91
A.39. Disabilities Accommodations in the Resolution Process ............................................. 92
A.40. Revision of this Policy and Procedures ...................................................................... 92

Section 3: Appendices ........................................................................................................ 93

APPENDIX A: Title IX Resources ..................................................................................... 93
APPENDIX B: A FRAMEWORK FOR INFORMAL RESOLUTION (IR) ..................................... 95
APPENDIX C: STATEMENT OF RIGHTS OF THE PARTIES ..................................................... 97
APPENDIX D: PROCESS B ................................................................................................... 100

B.1. Initial Assessment .......................................................................................................... 100
B.2. Resolution Process Pool ............................................................................................... 102
B.3. Advisors ....................................................................................................................... 103
B.4. Resolution Options ...................................................................................................... 104
B.5. Investigation .................................................................................................................. 108
B.6. Determination ............................................................................................................... 109
B.7. Additional Details of the Investigation Process ............................................................... 110
B.8. Sanctions ...................................................................................................................... 111
B.9. Withdrawal or Resignation While Charges are Pending ................................................ 113
B.10. Appeals ....................................................................................................................... 113
B.11. Long-Term Remedies/Actions .................................................................................... 115
B.12. Failure to Complete Sanctions/Comply with Interim and Long-term Remedies/Responsive Actions ................................................................................................ 115
B.13. Recordkeeping ............................................................................................................ 116
B.14. Statement of the Rights of the Parties (see Appendix C) ............................................. 116
B.15. Disabilities Accommodation in the Resolution Process .............................................. 116
B.16. Revision ....................................................................................................................... 116
Section 1: Glossary, Introduction and Policies

1. Glossary

- **Advisor** means a person chosen by a party or appointed by the institution to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct cross-examination for the party at the hearing, if any.

- **Complainant** means an individual who is alleged to be the victim of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity.

- **Complaint (formal)** means a document submitted or signed by a Complainant or signed by the Title IX Coordinator alleging harassment or discrimination based on a protected class or retaliation for engaging in a protected activity against a Respondent and requesting that the recipient investigate the allegation.

- **Confidential Resource** means an employee who is not a Mandated Reporter of notice of harassment, discrimination, and/or retaliation (irrespective of Clery Act Campus Security Authority status).

- **Day** means a business day when Gordon College is in normal operation.

- **Directly Related Evidence** is evidence connected to the complaint, but is neither inculpatory (tending to prove a violation) nor exculpatory (tending to disprove a violation) and will not be relied upon by the investigation report.

- **Education program or activity** means locations, events, or circumstances where the College exercises substantial control over both the Respondent and the context in which the sexual harassment or discrimination occurs and also includes any building owned or controlled by a student organization that is officially recognized by the College.

- **Final Determination**: A conclusion (by the preponderance of the evidence standard of proof) that the alleged conduct did or did not violate policy.

- **Finding**: A conclusion (by the preponderance of the evidence standard of proof) that the conduct did or did not occur as alleged (as in a “finding of fact”).

- **Formal Grievance Process** means “Process A,” a method of formal resolution designated by the College to address conduct that falls within the policies included below, and which complies with the requirements of the Title IX regulations (34 CFR §106.45).

- **Grievance Process Pool** includes any investigators, hearing officers, appeal officers, and Advisors who may perform any or all of these roles (though not at the same time or with respect to the same case).

- **Hearing Decision-maker** refers to those who have decision-making and sanctioning authority within the Gordon College Formal Grievance process.

- **Investigator** means the person or persons charged by the College with gathering facts about an alleged violation of this Policy, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report and file of directly related evidence.

- **Mandated Reporter** means an employee of the College who is obligated by policy to share
knowledge, notice, and/or reports of harassment, discrimination, and/or retaliation with the Title IX Coordinator.

- **Notice** means that an employee, student, or third-party informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.

- **Official with Authority (OWA)** means an employee of the College explicitly vested with the responsibility to implement corrective measures for harassment, discrimination, and/or retaliation on behalf of the College.

- **Parties** include the Complainant(s) and Respondent(s), collectively.

- **Process A** means the Formal Grievance Process detailed below and defined above.

- **Process B** means the administrative resolution procedures detailed in Appendix F that apply only when Process A does not, as determined by the Title IX Coordinator.

- **Recipient** means a postsecondary education program that is a recipient of federal funding.

- **Relevant Evidence** is evidence that tends to prove or disprove an issue in the complaint.

- **Remedies** are post-finding actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to the educational program of the College.

- **Respondent** means an individual who has been reported to be the perpetrator of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity.

- **Resolution** means the result of an informal or Formal Grievance Process.

- **Sanction** means a consequence imposed by the College on a Respondent who is found to have violated this policy.

- **Sexual Harassment** is the umbrella category including the offenses of sexual harassment, sexual assault, stalking, and dating violence and domestic violence. See Section 18.B., for greater detail.

- **Title IX Coordinator** is at least one official designated by the College to ensure compliance with Title IX and the Title IX program of Gordon College. References to the Coordinator throughout this policy may also encompass a designee of the Coordinator for specific tasks.

- **Title IX Team** refers to the Title IX Coordinator, any deputy coordinators, and any member of the Title IX Process Pool.

### 2. Introduction

As a Christian community of higher education, Gordon College is committed to providing a liberal arts education in an environment shaped by ideals and standards consistent with a Christian worldview. Inherent in a Christian worldview are the biblical injunctions to live to the glory of God and to recognize the Lordship of Christ in every activity.

Human beings, being created in God’s image, are endowed by God with dignity and worth. Those are foundational values at Gordon for developing and maintaining a learning and
A working environment characterized by integrity, mutual respect, and accountability. All members of the Gordon community have a responsibility to foster a respectful, supportive, and safe campus environment.

Given this foundation of human dignity and worth, Gordon College approaches issues of discrimination and harassment (including, but not limited to, sexual misconduct in all its forms, stalking and intimate partner violence) not just as behaviors prohibited by applicable state and federal law, but as conduct that is antithetical to the scriptural values this community espouses. Sexual misconduct is harmful not only to the individuals involved, but it undermines the entire community. Gordon College prohibits all forms of sexual misconduct, as defined in this policy; we regard sexual misconduct as a serious offense, and a violation of trust and integrity. Such violations will result in discipline, including expulsion or termination of employment. State and federal laws also address conduct that may meet Gordon College’s definition of prohibited conduct, and criminal prosecution may take place independently of any disciplinary action instituted by Gordon College.

3. **Rationale for Policy**

Gordon College is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities, that are free from sex-based discrimination, harassment, and retaliation. To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational program or activity, the College has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of discrimination or harassment on the basis of sex, and for allegations of retaliation. The College values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process during what is often a difficult time for all those involved.

4. **Applicable Scope**

The core purpose of this policy is the prohibition of all forms of sex-based discrimination, which encompass sexual harassment, sexual assault, stalking, sexual exploitation, dating violence or domestic violence. When an alleged violation of this anti-discrimination policy is reported, the allegations are subject to resolution using the College’s “Process A” or “Process B,” as determined by the Title IX Coordinator, and as detailed below.

When the Respondent is a member of the Gordon College community, a grievance process may be available regardless of the status of the Complainant, who may or may not be a member of the College community. This community includes, but is not limited to, students, student organizations, faculty, administrators, staff, and third parties such as guests, visitors, volunteers, invitees, and campers. The procedures below may be applied to

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For the purpose of this policy, the College defines “student” as any individual who has accepted an offer of admission, or who is registered or enrolled for credit or non-credit bearing coursework, and who maintains an ongoing relationship with the College.
incidents, to patterns, and/or to the campus climate, all of which may be addressed and investigated in accordance with this policy.

5. **Title IX Coordinator**

The Title IX Coordinator (currently Glenn Deckert, TitleIX@gordon.edu) is responsible for overseeing the implementation of this policy.

The Title IX Coordinator will be informed of all complaints or reports of violations of this policy. The Title IX Coordinator’s responsibilities include, but are not limited to, the following:

- Coordinating the College’s efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent discrimination, harassment, and retaliation prohibited under this policy.
- Reviews College policies regarding sexual misconduct to ensure compliance with Title IX and the 2013 Amendments to the Violence Against Women Act (VAWA).
- Coordinates college-wide training, education and prevention efforts regarding Title IX and prohibited conduct defined in this policy.
- Advises the Title IX Team (see #7 below) in procedures and resources under this policy to ensure that the College’s review, investigation and resolution of reports of sexual misconduct are consistent, timely, effective, and in accordance with this policy.
- Maintains records of all Title IX reports, documenting the College’s response, monitoring reports to identify and address any patterns or systemic problems that may contribute to a hostile environment. These records will be kept confidential to the extent permitted by law.
- The Title IX Coordinator may delegate responsibilities under this policy to designated employees if appropriately trained.

6. **Independence and Conflict-of-Interest**

The Title IX Coordinator manages the Title IX Team and acts with independence and authority free from bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under this policy and these procedures. The members of the Title IX Team are vetted and trained to ensure they are not biased for or against any party in a specific case, or for or against Complainants and/or Respondents, generally.

To raise any concern involving bias or potential conflict of interest by the Title IX Coordinator, or to report misconduct or discrimination committed by the Title IX Coordinator, contact the Executive Vice President for Campus Life (currently, Dan Tymann, dan.tymann@gordon.edu).

To raise concerns involving bias or a potential conflict of interest by any other Title IX Team member, or to report misconduct or discrimination committed by any other Title IX Team member, contact the Title IX Coordinator.
7. **Title IX Administrative Contact Information**

Complaints or notice of alleged policy violations, or inquiries about or concerns regarding this policy and procedures, may be made internally to:

**Title IX Administrators:**

<table>
<thead>
<tr>
<th>Title IX Coordinator</th>
<th>Deputy Title IX Coordinator</th>
</tr>
</thead>
<tbody>
<tr>
<td>Glenn Deckert</td>
<td>Darlene Hubbard</td>
</tr>
<tr>
<td>Office: Rodger Reception Center 203</td>
<td>Office: Office of Student Life, Lane Student Center</td>
</tr>
<tr>
<td>Mail: Glenn Deckert, Title IX Coordinator</td>
<td>978-867-4598</td>
</tr>
<tr>
<td>255 Grapevine Road, Wenham, MA 01984</td>
<td><a href="mailto:darlene.hubbard@gordon.edu">darlene.hubbard@gordon.edu</a></td>
</tr>
<tr>
<td>978-867-4736</td>
<td></td>
</tr>
<tr>
<td><a href="mailto:TitleIX@gordon.edu">TitleIX@gordon.edu</a></td>
<td></td>
</tr>
</tbody>
</table>

**Title IX Team (Grievance Process & Resolution Process Pool):**

(NOTE: Each of the following Title IX Process Pool members is trained to serve as an Investigator, Hearing Panel member, Appeals Panel member and/or Advisor, as assigned by the Title IX Coordinator on a case-by-case basis.)

<table>
<thead>
<tr>
<th>Karl Hahn</th>
<th>Bil Mooney-McCoy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office: Gordon Police</td>
<td>Office: Christian Life and Worship</td>
</tr>
<tr>
<td>Rodger Reception Center 204</td>
<td>Phone: 978.867.4016</td>
</tr>
<tr>
<td>Phone: 978.867.4444 (non-emergency)</td>
<td><a href="mailto:bil.mccoy@gordon.edu">bil.mccoy@gordon.edu</a></td>
</tr>
<tr>
<td>or 978.867.3333 (emergency)</td>
<td></td>
</tr>
<tr>
<td><a href="mailto:karl.hahn@gordon.edu">karl.hahn@gordon.edu</a></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Jerry Logan</th>
<th>Dylan Snell</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office: Provost’s Office</td>
<td>Office: Gordon Police</td>
</tr>
<tr>
<td>Phone: 978.867.4063</td>
<td>Rodger Reception Center 204</td>
</tr>
<tr>
<td></td>
<td>Phone: 978.867.4444 (non-emergency)</td>
</tr>
<tr>
<td></td>
<td>or 978.867.3333 (emergency)</td>
</tr>
<tr>
<td><a href="mailto:jerry.logan@gordon.edu">jerry.logan@gordon.edu</a></td>
<td><a href="mailto:dylan.snell@gordon.edu">dylan.snell@gordon.edu</a></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Ethan Mignard</th>
<th>Alex Steeg</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office: Residence Life</td>
<td>Office: Residence Life</td>
</tr>
<tr>
<td>Phone: 978.867.4263</td>
<td>Phone: 978.867.4061</td>
</tr>
<tr>
<td><a href="mailto:ethan.mignard@gordon.edu">ethan.mignard@gordon.edu</a></td>
<td><a href="mailto:alex.steeg@gordon.edu">alex.steeg@gordon.edu</a></td>
</tr>
</tbody>
</table>

**Title IX Training Administrators:**

<table>
<thead>
<tr>
<th>Title IX Training Coordinator (Employees):</th>
<th>Title IX Training Coordinator (Students):</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chris Jones</td>
<td>Terry Charek</td>
</tr>
<tr>
<td>Office: Human Resources</td>
<td>Office: Student Life</td>
</tr>
<tr>
<td>978-867-4240</td>
<td>978-867-4263</td>
</tr>
<tr>
<td><a href="mailto:chris.jones@gordon.edu">chris.jones@gordon.edu</a></td>
<td><a href="mailto:terry.charek@gordon.edu">terry.charek@gordon.edu</a></td>
</tr>
</tbody>
</table>
The College has also classified all employees (except Confidential Resources, as defined in this policy) as Mandated Reporters of any knowledge they have that a member of the community is experiencing harassment, discrimination, and/or retaliation. The section below on Mandated Reporting details which employees have this responsibility and their duties, accordingly.

Inquiries may be made externally to:

Office for Civil Rights (OCR)
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-1100
Customer Service Hotline #: (800) 421-3481
Facsimile: 202-453-6012
TDD#: 877-521-2172
Email: OCR@ed.gov
Web: http://www.ed.gov/ocr

Office for Civil Rights (OCR), Boston Office
U.S. Department of Education
8th Floor
5 Post Office Square
Boston, MA 02109-3921
Telephone: (617) 289-0111
Facsimile: (617) 289-0150
Email: OCR.Boston@ed.gov

For complaints involving employees: Equal Employment Opportunity Commission (EEOC)

Local EEOC Field Office:
Equal Employment Opportunity Commission
JFK Federal Building
15 New Sudbury Street, Room 475
Boston, MA 02203-0506
Phone: 800-669-4000
Fax: 617-565-3196
TTY: 800-669-6820
ASL Video Phone: 844-234-5122

Massachusetts Commission Against Discrimination (MCAD):

One Ashburton Place, Suite 601
Boston, MA 02108
(617) 994-6000

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

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

Demello International Center
128 Union St., Suite 206
New Bedford, MA 02740
(774) 510-5801
8. **Notice/Complaints of Discrimination, Harassment, and/or Retaliation**

Notice or complaints of discrimination, harassment, and/or retaliation may be made using any of the following options:

- **a.** File a complaint with, or give verbal notice to, the Title IX Coordinator, any Deputy Title IX Coordinator, or any member of the Title IX Team (see contact information in #7 above). Such a report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator or any other official listed.
- **b.** If a report is made to any other Mandatory Reporter at the College, it will not be considered a Formal Complaint, but the Title IX Coordinator will contact the reporting party to assist him/her in determining whether a Formal Complaint is desired.
- **c.** Anonymous reports are accepted but can give rise to a need to investigate. Gordon College tries to provide supportive measures to all Complainants, which is impossible with an anonymous report. Because reporting carries no obligation to initiate a formal response, and as the College respects Complainant requests to dismiss complaints unless there is a compelling threat to health and/or safety, the Complainant is largely in control and should not fear a loss of privacy by making a report that allows the College to discuss and/or provide supportive measures.

A Formal Complaint means a document submitted or signed by the Complainant or signed by the Title IX Coordinator alleging a policy violation by a Respondent and requesting that the College investigate the allegation(s). A complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information in the section immediately above, or as described in this section. 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 complaint, and requests that the College investigate the allegations.

If notice is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the Complainant to ensure that it is filed correctly.

9. **Supportive Measures**

The College will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged harassment, discrimination, and/or retaliation.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to a Gordon College education program or activity, including measures designed
to protect the safety of all parties or the Gordon College educational environment, and/or deter harassment, discrimination, and/or retaliation.

The Title IX Coordinator promptly makes supportive measures available to the parties upon receiving notice or a complaint. At the time that supportive measures are offered, the College will inform the Complainant, in writing, that they may file a formal complaint with the College either at that time or in the future, if they have not done so already. The Title IX Coordinator works with the Complainant to ensure that their wishes are taken into account with respect to the supportive measures that are planned and implemented.

The College will maintain the privacy of the supportive measures, provided that privacy does not impair the College’s ability to provide the supportive measures. The College will act to ensure as minimal an academic/occupational impact on the parties as possible. The College will implement measures in a way that does not unreasonably burden the other party.

These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral for supportive services from Human Resources (employees)
- Referral to community-based service providers
- Student financial aid counseling
- Education to the institutional community or community subgroup(s)
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Implementing contact limitations (no contact orders) between the parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Trespass and/or Be-On-the-Lookout (BOLO) orders
- Timely Warnings
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Coordinator

Violations of no contact orders will be referred to appropriate student or employee conduct processes for enforcement.
**10. Emergency Removal**

The College can act to remove a student Respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by the Title IX Coordinator in conjunction with other individuals necessary to perform the analysis. This may include, but is not limited to: campus law enforcement, mental health professionals, representatives of student affairs and human resources, and, if available and necessary, college counsel.

In all cases in which an emergency removal is imposed, the student will be given notice of the action and the option to request to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested in a timely manner, objections to the emergency removal will be deemed waived. A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it is equitable to do so. This section also applies to any restrictions that a coach or athletic administrator may place on a student-athlete arising from allegations related to Title IX. There is no appeal process for emergency removal decisions.

A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator for the show cause meeting. The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

The Title IX Coordinator has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion.

The College will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator, these actions could include, but are not limited to: removing a student from a residence hall, temporarily re-assigning an employee, restricting a student’s or employee’s access to or use of facilities or equipment, allowing a student to withdraw or take grades of incomplete without financial penalty, authorizing an administrative leave, and suspending a student’s participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural athletics.

At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties.
Where the Respondent is an employee, the College may suspend (with or without pay) the employee if the Title IX Coordinator determines that is necessary based on the facts and circumstances of the complaint.

11. **Promptness**

All allegations are acted upon promptly by the College once it has received notice or a formal complaint. Complaints can take 60-90 business days to resolve, typically. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but the College will avoid all undue delays within its control.

Any time the general timeframes for resolution outlined in College procedures will be delayed, the College will provide written notice to the parties of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

12. **Privacy and Confidentiality**

Every effort is made by the College to preserve the privacy of reports. For the purpose of this policy, privacy and confidentiality have distinct meanings. Privacy means that information related to a complaint will be shared with a limited number of College employees who “need to know” in order to assist in the assessment, investigation, and resolution of the report. All employees who are involved in the College’s response to notice under this policy receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law.

Only a small group of officials who need to know will typically be told about the complaint, including but not limited to: Student Life, Human Resources, and/or Gordon Police. Information will be shared as necessary with Investigators, Hearing Panel members/Decision-makers, witnesses, and the parties. The circle of people with this knowledge will be kept as tight as possible to preserve the parties’ rights and privacy.

The College may contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk, but will usually consult with the student first before doing so.

Confidentiality exists in the context of laws that protect certain relationships, including those who provide services related to medical and clinical care, mental health providers, counselors, and ordained clergy. The law creates a privilege between certain health care providers, mental health care providers, attorneys, clergy, spouses, and others, with their patients, clients, parishioners, and spouses. The College has designated individuals who have the ability to have privileged communications as Confidential Resources (see Section 20.A. below).

The College will not share the identity of any individual who has made a report or complaint of harassment, discrimination, or retaliation; any Complainant, any individual who has been
reported to be the perpetrator of sex discrimination, any Respondent, or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these policies and procedures. The privacy of employee records will be protected in accordance with Human Resources policies.

The College reserves the right to determine which College officials have a legitimate educational interest in being informed about incidents that fall within this policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).

13. Jurisdiction of the College

This policy applies to the education program and activities of the College, to conduct that takes place on the campus or on property owned or controlled by the College, at College-sponsored events, or in buildings owned or controlled by the College’s recognized student organizations. The Respondent must be a member of the Gordon College community in order for its policies to apply. This policy can also be applicable to the effects of off-campus misconduct that effectively deprive someone of access to the College’s educational program. The recipient may also extend jurisdiction to off-campus and/or to online conduct when the Title IX Coordinator determines that the conduct affects a substantial College interest.

Regardless of where the conduct occurred, the College will address notice/complaints to determine whether the conduct occurred in the context of its employment or educational program or activity and/or has continuing effects on campus or in an off-campus sponsored program or activity. A substantial College interest includes:

   a. Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;
   b. Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student or other individual;
   c. Any situation that significantly impinges upon the rights, property, or achievements of oneself or others or significantly breaches the peace and/or causes social disorder; and/or
   d. Any situation that is detrimental to the educational interests or mission of the College.

If the Respondent is unknown or is not a member of the College community, the Title IX Coordinator will assist the Complainant in identifying appropriate campus and local resources and support options and/or, when criminal conduct is alleged, in contacting local or campus law enforcement if the individual would like to file a police report.
Further, even when the Respondent is not a member of the Gordon College community, supportive measures, remedies, and resources may be accessible to the Complainant by contacting the Title IX Coordinator.

In addition, the College may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from College property and/or events.

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

When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator can assist the Complainant in liaising with the appropriate individual at that institution, as it may be possible to allege violations through that institution’s policies.

Similarly, the Title IX Coordinator may be able to assist and support a student or employee Complainant who experiences discrimination in an externship, study abroad program, or other environment external to the College where sexual harassment or nondiscrimination policies and procedures of the facilitating or host organization may give recourse to the Complainant.

14. Time Limits on Reporting

There is no time limitation on providing notice/complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to the College’s jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible.

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

The College will typically apply the policy and procedures in place at the time of notice/complaint. In the event of a change in law, the Title IX Coordinator reserves the right, at his or her sole discretion, to apply the new policy and procedures resulting from the change in law to any existing complaint.

15. Online Harassment and Misconduct

The policies of the College are written and interpreted broadly to include online manifestations of any of the behaviors prohibited below, when those behaviors occur in or have an effect on the College’s education program and activities or use College networks, technology, or equipment.
Although the College may not control websites, social media, and other venues in which harassing communications are made, when such communications are reported to the College, it will engage in a variety of means to address and mitigate the effects.

Members of the community are expected to be good digital citizens and to refrain from online misconduct, such as feeding anonymous gossip sites, sharing inappropriate content via social media, unwelcome sexual or sex-based messaging, distributing or threatening to distribute revenge pornography, breaches of privacy, or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harm another member of the Gordon College community.

16. Policy on Nondiscrimination

Title IX prohibits discrimination on the basis of sex in all student services and academic programs, including, but not limited to, recruitment, admissions, financial aid, academic advising, athletics, counseling, grading, discipline and employment.

Sexual harassment, including acts of sexual violence, is a form of sex discrimination that is illegal under both federal and Massachusetts state law, including Title IX of the Educational Amendments of 1972, and the Title VII of the Civil Right Act of 1964. It is the policy of Gordon College not to discriminate against any employee, applicant for employment, student, or applicant for admission on the basis of sex.

When brought to the attention of the College, any such discrimination will be promptly and fairly addressed and remedied by the College according to the applicable grievance process described below.

17. Policy on Discriminatory Harassment (with Definitions)

Students, staff, administrators, and faculty are entitled to an employment and educational environment that is free of discriminatory harassment. The Gordon College harassment policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane but controversial or sensitive subject matters protected by academic freedom.

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

The College reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any offense under this policy.
A. Discriminatory Harassment

Discriminatory harassment constitutes a form of discrimination that is prohibited by College policy. Discriminatory harassment is defined as unwelcome conduct by any member or group of the community on the basis of actual or perceived membership in a class protected by policy or law. The College does not tolerate discriminatory harassment of any employee, student, visitor, or guest. The College will act to remedy all forms of harassment when reported, whether or not the harassment rises to the level of creating a “hostile environment.”

A hostile environment is one that unreasonably interferes with, limits, or effectively denies an individual’s educational or employment access, benefits, or opportunities. This discriminatory effect results from harassing verbal, written, graphic, or physical conduct that is severe or pervasive and objectively offensive.

When discriminatory harassment rises to the level of creating a hostile environment, the College may also impose sanctions on the Respondent through application of the applicable grievance process below.

The College reserves the right to address offensive conduct and/or harassment that does not rise to the level of creating a hostile environment, or that is of a generic nature and not based on a protected status. Addressing such conduct will not result in the imposition of discipline under College policy, but may be addressed through respectful conversation, remedial actions, education, and/or other informal resolution mechanisms. For assistance with informal resolution options not addressed by this policy, employees should contact the Associate V.P. for Human Resources (currently Chris Jones, chris.jones@gordon.edu), and students should contact the Dean of Student Care (currently Terry Charek, terry.charek@gordon.edu).

B. Sexual Harassment

The Department of Education’s Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the Commonwealth of Massachusetts regard Sexual Harassment, a specific form of discriminatory harassment, as an unlawful discriminatory practice.

The College has adopted the following definition of Sexual Harassment in order to address the unique environment of an academic community.

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

Sexual Harassment, as an umbrella category, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as:

Conduct on the basis of sex/gender or that is sexual that satisfies one or more of the following:

2 This definition of hostile environment is based on Federal Register / Vol. 59, No. 47 / Thursday, March 10, 1994.
1) **Quid Pro Quo:**
   a. an employee of the recipient,
   b. conditions (implicitly or explicitly) the provision of an aid, benefit, or service of the recipient,
   c. on an individual’s participation in unwelcome sexual conduct.

2) **Sexual Harassment:**
   a. unwelcome conduct\(^3\),
   b. determined by a reasonable person,
   c. to be so severe, and
   d. pervasive, and,
   e. objectively offensive,
   f. that it effectively denies a person equal access to the College’s education program or activity.

3) **Sexual Assault**, defined as:
   a. Sex Offenses, Forcible:
      1. Any sexual act directed against the Complainant,
      2. without the consent of the Complainant,
      3. including instances in which the Complainant is incapable of giving consent.
   b. The following additional definitions of Sex Offenses, Forcible apply:
      1. Forcible Rape:
         i. Penetration,
         ii. no matter how slight,
         iii. of the vagina or anus with any body part or object, or
         iv. oral penetration by a sex organ of another person,
         v. without the consent of the Complainant.
      2. Forcible Sodomy:
         i. Oral or anal sexual intercourse with another person,
         ii. forcibly,
         iii. and/or against that person’s will (non-consensually), or
         iv. not forcibly or against the person’s will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
      3. Sexual Assault with an Object:
         i. The use of an object or instrument to penetrate,
         ii. however slightly,
         iii. the genital or anal opening of the body of Complainant,
         iv. forcibly,
         v. and/or against Complainant’s will (non-consensually),

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\(^3\) Unwelcomeness is subjective and determined by the Complainant (except when the Complainant is younger than the age of consent). Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar.
vi. or not forcibly or against the person’s will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

4. Forcible Fondling:
   i. The touching of the private body parts of Complainant (buttocks, groin, breasts),
   ii. for the purpose of sexual gratification,
   iii. forcibly,
   iv. and/or against Complainant’s will (non-consensually),
   v. or not forcibly or against the person’s will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

c. Sex Offenses, Non-forceful:
   1. Incest:
      i. Non-forceful sexual intercourse,
      ii. between persons who are related to each other,
      iii. within the degrees wherein marriage is prohibited by Massachusetts law.

2. Statutory Rape:
   i. Non-forceful sexual intercourse,
   ii. with a person who is under the age of 16, which is the statutory age of consent in Massachusetts.

4) Dating Violence, defined as:
   a. violence,
   b. on the basis of sex,
   c. committed by a person,
   d. who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.

   • The existence of such a relationship shall be determined based on the Complainant’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition:
     o Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse; and
     o Dating violence does not include acts covered under the definition of domestic violence.

5) Domestic Violence*, defined as:
   a. violence,
   b. on the basis of sex,
   c. committed by a current or former spouse or intimate partner of the Complainant,
   d. by a person with whom the Complainant shares a child in common, or
   e. by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
   f. by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Massachusetts, or
   g. by any other person against an adult or youth Complainant who is protected from that
person’s acts under the domestic or family violence laws of Massachusetts.

*To categorize an incident as Domestic Violence under, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.*

6) **Stalking**, defined as:
   a. engaging in a course of conduct,
   b. on the basis of sex,
   c. directed at a specific person, that
      • would cause a reasonable person to fear for the person’s safety, or
      • the safety of others; or
      • Suffer substantial emotional distress.

For the purposes of this definition—
1. Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent 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.
2. Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
3. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

C. **Additional Definitions Related to Sexual Harassment**

As used in the offenses above (B. Sexual Harassment), the following definitions and understandings apply:

1) **CONSENT**

Consent is:
- knowing, and
- voluntary, and
- clear permission
- by word or action
- to engage in sexual activity.

Since individuals may experience the same interaction in different ways, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain their consent to being kissed back.
Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonable time.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent.

Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on the College to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

2) **FORCE**

Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (“e.g., pinning a person down to engage in sexual contact).

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

3) **COERCION**

Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive (e.g., repeatedly demeaning a person because of their lack of interest in sexual activity to pressure them into consent may be coercive).

4) **INCAPACITATION:**

A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. As stated above, a Respondent violates this policy if they engage in sexual activity with someone who is incapable of giving consent.

It is a defense to a sexual assault policy violation that the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. “Should have known” is an objective, reasonable person standard that assumes that a reasonable person is both sober and exercising sound judgment.
Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction).

Incapacitation is determined through consideration of all relevant indicators of an individual’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk. This policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs.

D. Other Civil Rights Offenses

In addition to the forms of sexual harassment described above, which are covered by Title IX, the College additionally prohibits the following offenses as forms of discrimination that may be within or outside of Title IX. Any such conduct that does not meet the definition of sexual harassment will be handled under appropriate sections of this Policy or the College’s conduct policies, depending on the circumstances but will not be resolve through Process A.

1) Sexual Exploitation, defined as: taking non-consensual or abusive sexual advantage of another for their own benefit or for the benefit of anyone other than the person being exploited, and that conduct does not otherwise constitute sexual harassment under this policy. Examples of Sexual Exploitation include, but are not limited to:

- Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed).
- Invasion of sexual privacy.
- Taking pictures, video, or audio recording of another in a sexual act, or in any other sexually-related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person’s consent), including the making or posting of revenge pornography.
- Prostituting another person.
- Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually-transmitted disease (STD) or infection (STI), without informing the other person of the infection.
- Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person’s ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity.
- Misappropriation of another person’s identity on apps, websites, or other venues designed for dating or sexual connections.
- Forcing a person to take an action against that person’s will by threatening to show, post, or share information, video, audio, or an image that depicts the person’s nudity or sexual
activity.

- Knowingly soliciting a minor for sexual activity.
- Engaging in sex trafficking.
- Creation, possession, or dissemination of child pornography.

2) Threatening or causing physical harm, extreme verbal, emotional, or psychological abuse, or other conduct which threatens or endangers the health or safety of any person;

3) Discrimination, defined as actions that deprive, limit, or deny other members of the community of educational or employment access, benefits, or opportunities;

4) Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;

5) Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the College community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity (as defined further in the College Hazing Policy);

6) Bullying, defined as:
   - Repeated and/or severe
   - Aggressive behavior
   - Likely to intimidate or intentionally hurt, control, or diminish another person, physically and/or mentally
   - That is not speech or conduct otherwise protected by the First Amendment.

Violation of any other College policies may constitute a Civil Rights Offense when a violation is motivated by actual or perceived membership in a protected class, and the result is a discriminatory limitation or denial of employment or educational access, benefits, or opportunities.

Sanctions for the above-listed Civil Rights Offenses range from reprimand through expulsion/termination.

18. Policy on Unethical Relationships

Gordon College strives to provide a learning and working environment that is characterized by trust and mutual responsibility, and that observes the Christian virtues of justice, love and freedom. Consensual romantic relationships in which one party has any professional responsibility (or potential responsibility) for another’s academic or job performance are a violation of professional ethics, create a risk for real or perceived coercion, and are expressly a violation of this policy.
Relationships Involving Authority and Power

Sexual misconduct often involves relationships of unequal power, even if the relationship appears to be consensual. The power differential inherent in such relationships may compromise free choice. Such situations may contain elements of coercion, such as when compliance with requests for sexual favors becomes a criterion for granting privileges or favorable treatment in the classroom or on the job. However, sexual misconduct may also involve relationships among persons of equal authority or power, such as when repeated advances or demeaning verbal comments by a co-worker have a harmful effect on a person’s ability to perform his or her work.

Relationships between Employees and Students

Romantic (e.g. dating, amorous) relationships between faculty and students pose a threat to the integrity of the educational process and are specifically prohibited.

First, these relationships may be unjust to the involved student because of the inherent asymmetry of power existing between students and faculty. The pedagogical relationship between teacher and student must be protected from influences or activities that can interfere with learning and personal development. Second, the trust and collaboration of other students with the involved persons may be compromised and impair the learning environment for other students. Finally, by their nature, such relationships may undermine justice in subtle or inadvertent ways by unbalancing the attentions of the person in authority.

Likewise, consensual romantic relationships between staff members and students can interfere with a free and focused learning and working environment for each party.

Relationships between Employees

All members of the Gordon community are expected to maintain appropriate professional relations with one another.

Romantic relationships between co-workers can raise serious concerns about conflicts of interest and preferential treatment, diminishing trust and jeopardizing the working environment for all employees. This is especially the case if one individual has professional influence or authority over the other. If a staff member becomes involved in a romantic relationship within their own department, he or she must disclose its existence to her or his supervisor and must cooperate fully in making whatever arrangements are necessary to protect the workplace rights of all employees.
19. **Mandated Reporting**

All Gordon College employees (faculty, staff, administrators) are expected to report actual or suspected discrimination or harassment to appropriate officials immediately, though there are some limited exceptions.

In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality and are not required to report actual or suspected discrimination or harassment. They may offer options and resources without any obligation to inform an outside agency or campus official unless a Complainant has requested the information be shared.

If a Complainant expects formal action in response to their allegations, reporting to any Mandated Reporter can connect them with resources to report crimes and/or policy violations, and these employees will immediately pass reports to the Title IX Coordinator (and/or police, if desired by the Complainant), who will take action when an incident is reported to them.

The following sections describe the reporting options at the College for a Complainant or third-party (including parents/guardians when appropriate):

**A. Confidential Resources (for more details, see Appendix A: Title IX Resources)**

If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with:

- Licensed professional counselors and staff of the Gordon College Counseling Center;
- Health service providers and staff at the Health Center;
- On-campus members of the clergy and/or chaplains working within the scope of their licensure or ordination (including the College Chaplain);
- Off-campus (non-employees):
  - Licensed professional counselors and other medical providers
  - Local rape crisis counselors
  - Domestic violence resources
  - Local or state assistance agencies
  - Clergy/Chaplains
  - Attorneys

All of the above-listed individuals will maintain confidentiality when acting under the scope of their licensure, professional ethics, and/or professional credentials, except in extreme cases of immediacy of threat or danger or abuse of a minor, elder or individual with a disability, or when required to disclose by law or court order.

Employees who are confidential and who receive reports within the scope of their confidential roles may, at the request of the reporting party, timely submit anonymous statistical information for Clery Act purposes.
B. Anonymous Notice to Mandated Reporters

At the request of a Complainant, notice may be given by a Mandated Reporter to the Title IX Coordinator anonymously, without identification of the Complainant. The Mandated Reporter cannot remain anonymous themselves. The Complainant must make the request for anonymity in writing, signed and dated by the Complainant. The Mandated Reporter must preserve this written request for seven years.

[If a Complainant has requested that a Mandated Reporter maintain the Complainant’s anonymity, the Mandated Reporter may do so unless it is reasonable to believe that a compelling threat to health or safety could exist. The Mandated Reporter can consult with the Title IX Coordinator on that assessment without revealing personally identifiable information].

Anonymous notice will be investigated by the College to the extent possible, both to assess the underlying allegation(s) and to determine if supportive measures or remedies can be provided.

However, anonymous notice typically limits the College’s ability to investigate, respond, and provide remedies, depending on what information is shared.

When a Complainant has made a request for anonymity, the Complainant’s personally identifiable information may be withheld by a Mandated Reporter, but all other details must be shared with the Title IX Coordinator. [Mandated reporters may not be able to maintain requests for anonymity for Complainants who are minors, elderly, and/or disabled, depending on state reporting of abuse requirements].

C. Mandated Reporters and Formal Notice/Complaints

All employees of the College (including student employees), with the exception of those who are designated as Confidential Resources, are Mandated Reporters and must promptly share with the Title IX Coordinator all known details of a report made to them in the course of their employment.

Employees must also promptly share all details of behaviors under this policy that they observe or have knowledge of, even if not reported to them by a Complainant or third-party.

Complainants may want to carefully consider whether they share personally identifiable details with non-confidential Mandated Reporters, as those details must be shared with the Title IX Coordinator.

Generally, disclosures in climate surveys, classroom writing assignments or discussions, human subjects research, or at events such as “Take Back the Night” marches or speak-outs do not provide notice that must be reported to the Coordinator by employees, unless the Complainant clearly indicates that they desire a report to be made or a seek a specific response from the College.

Supportive measures may be offered as the result of such disclosures without formal College action.

Failure of a Mandated Reporter, as described above in this section, to report an incident of harassment or discrimination of which they become aware is a violation of College policy and can be subject to disciplinary action for failure to comply.
Though this may seem obvious, when a Mandated Reporter is engaged in harassment or other violations of this policy, they still have a duty to report their own misconduct, though the College is technically not on notice when a harasser is also a Mandated Reporter unless the harasser does in fact report themselves.

Finally, it is important to clarify that a Mandated Reporter who is themselves a target of harassment or other misconduct under this policy is not required to report their own experience, though they are, of course, encouraged to do so.

20. **When a Complainant Does Not Wish to Proceed**

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

The Title IX Coordinator has ultimate discretion over whether the College proceeds when the Complainant does not wish to do so, and the Title IX Coordinator may sign a formal complaint to initiate a grievance process upon completion of an appropriate violence risk assessment.

The Title IX Coordinator’s decision should be based on results of the violence risk assessment that show a compelling risk to health and/or safety that requires the College to pursue formal action to protect the community.

A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence. The College may be compelled to act on alleged employee misconduct irrespective of a Complainant’s wishes.

The Title IX Coordinator must also consider the effect that non-participation by the Complainant may have on the availability of evidence and the College’s ability to pursue a Formal Grievance Process fairly and effectively.

When the Title IX Coordinator executes the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this policy.

When the College proceeds, the Complainant (or their Advisor) may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this Policy irrespective of their level of participation. Typically, when the Complainant chooses not to participate, the Advisor may be appointed as proxy for the Complainant throughout the process, acting to ensure and protect the rights of the Complainant, though this does not extend to the provision of evidence or testimony.
Note that the College’s ability to remedy and respond to notice may be limited if the Complainant does not want the College to proceed with an investigation and/or grievance process. The goal is to provide the Complainant with as much control over the process as possible, while balancing the College’s obligation to protect its community.

In cases in which the Complainant requests confidentiality/no formal action and the circumstances allow the College to honor that request, the College will offer informal resolution options (see below), supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action.

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

21. Federal Timely Warning Obligations

Parties reporting sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Clery Act, the College must issue timely warnings for incidents reported to them that pose a serious or continuing threat of bodily harm or danger to members of the campus community.

The College will ensure that a Complainant’s name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

22. False Allegations and Evidence

Deliberately false and/or malicious accusations under this policy are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a policy violation determination.

Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence, or deliberately misleading an official conducting an investigation can be subject to discipline under College policy.

23. Counterclaims

The College is obligated to ensure that the grievance process is not abused for retaliatory purposes. The College permits the filing of counterclaims but uses an initial assessment to assess
whether the allegations in the counterclaim are made in good faith. Counterclaims by a Respondent may be made in good faith, but are, on occasion, made for purposes of retaliation, instead. Counterclaims made with retaliatory intent will not be permitted.

Counterclaims determined to have been reported in good faith will be processed using the appropriate grievance procedures. Investigation of such claims may take place after resolution of the underlying initial allegation, in which case a delay may occur.

Counterclaims may also be resolved through the same investigation as the underlying allegation, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this policy.

24. Retaliation

Protected activity under this policy includes reporting an incident that may implicate this policy, participating in the grievance process, supporting a Complainant or Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this Policy.

Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. The College will take all appropriate and available steps to protect individuals who fear that they may be subjected to retaliation.

The College and any member of the College community are prohibited from taking or attempting to take materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy and procedure.

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

Charging an individual with a code of conduct violation (i.e., outside of this Sexual Misconduct Policy) for making a materially false statement in bad faith in the course of a grievance proceeding under this policy and procedure does not constitute retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any party has made a materially false statement in bad faith. A complaint asserting a materially false statement must specifically identify the materially false statement.

25. Amnesty for Complainants and Witnesses

The College community encourages the reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to report to College officials or participate in grievance processes because they fear that they themselves may be in violation
of certain policies, such as underage drinking, use of illicit drugs, or open hall violations at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons.

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

To encourage reporting and participation in the process, the College maintains a policy of offering parties and witnesses amnesty from minor policy violations – such as underage consumption of alcohol, use of illicit drugs, and open hall violations – related to the incident.

Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution. The decision not to offer amnesty is based on neither sex nor gender, but on the fact that collateral misconduct is typically addressed for all students within a progressive discipline system, and the rationale for amnesty – the incentive to report serious misconduct – is rarely applicable to Respondent with respect to a Complainant.

**Students:** Sometimes, students are hesitant to assist others for fear that they may get in trouble themselves (for example, an underage student who has been drinking or using marijuana might hesitate to help take an individual who has experienced sexual assault to the Campus Police).

The College maintains a policy of amnesty for students who offer help to others in need. Although policy violations cannot be overlooked, the College may provide purely educational options with no official disciplinary finding, rather than punitive sanctions, to those who offer their assistance to others in need.

**Employees:** Sometimes, employees are hesitant to report harassment or discrimination they have experienced for fear that they may get in trouble themselves. For example, an employee who has violated the consensual relationship policy and is then assaulted in the course of that relationship might hesitate to report the incident to College officials.

The College may, at its discretion, offer employee Complainants amnesty from such policy violations (typically more minor policy violations) related to the incident. Amnesty may also be granted to Respondents and witnesses on a case-by-case basis.

### 26. Federal Statistical Reporting Obligations

Certain campus officials – those deemed Campus Security Authorities – have a duty to report the following for federal statistical reporting purposes (Clery Act):

- All “primary crimes,” which include homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, and arson;
b. Hate crimes, which include any bias-motivated primary crime as well as any bias motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property; 

c. VAWA-based crimes,⁴ which include sexual assault, domestic violence, dating violence, and stalking; and 

d. Arrests and referrals for disciplinary action for weapons-related law violations, liquor-related law violations, and drug abuse-related law violations.

All personally identifiable information is kept private, but statistical information must be shared with the Gordon Police regarding the type of incident and its general location (on or off-campus or in the surrounding area, but no addresses are given) for publication in the Annual Security Report and daily campus crime log.

Campus Security Authorities include: Student Life staff, employees of the Gordon Police department, local police, coaches, athletic directors, residence life staff, student activities staff, human resources staff, advisors to student organizations, and any other official with significant responsibility for student and campus activities.

27. Preservation of Evidence

The preservation of evidence in incidents of sexual assault is critical to potential criminal prosecution and to obtaining restraining orders, and particularly time-sensitive. The College will inform the Complainant of the importance of preserving evidence by recommending the following actions:

a. Seek forensic medical assistance at the Beverly Hospital (or another appropriate hospital), ideally within 120 hours of the incident (sooner is better).

b. Avoid showering, bathing, washing hands or face, or douching, if possible; but evidence may still be collected even if you do.

c. Try not to urinate.

d. If oral sexual contact took place, refrain from smoking, eating, drinking, or brushing teeth.

e. If clothes are changed, place soiled clothes in a paper bag (plastic can degrade evidence).

f. Seeking medical treatment can be essential even if it is not for the purposes of collecting forensic evidence.

During the initial meeting between the Complainant and the Title IX Coordinator, the importance of taking these actions will be reiterated, if timely.

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⁴ VAWA is the Violence Against Women Act, enacted in 1994 codified in part at 42 U.S.C. sections 13701 through 14040.
Section 2: Process A

INTERIM RESOLUTION PROCESS FOR ALLEGED VIOLATIONS OF THE POLICY ON SEXUAL MISCONDUCT (INCLUDING NONDISCRIMINATION AND HARASSMENT)

A.1. Overview

The College will act on any formal or informal notice/complaint of violation of the policy on Sexual Misconduct (including Nondiscrimination and Harassment) (“the Policy”) that is received by the Title IX Coordinator5 or any other Official with Authority by applying these procedures, known as “Process A.”

The procedures below apply only to qualifying allegations of sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined above) involving students, staff, administrator, or faculty members. For all other allegations, see Appendix D for a description of the procedures applicable to the resolution of such offenses, known as “Process B.”

Process B can also apply to sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined above) when jurisdiction does not fall within Process A, as determined by the Title IX Coordinator.

The procedures below may be used to address collateral misconduct arising from the investigation of or occurring in conjunction with reported misconduct (e.g., vandalism, physical abuse of another). All other allegations of misconduct unrelated to incidents covered by the Policy will be addressed through procedures described in the student, faculty, and staff handbooks.

A.2. Notice/Complaint

Upon receipt of a complaint or notice to the Title IX Coordinator of an alleged violation of the Policy, the Title IX Coordinator or a designated Deputy Title IX Coordinator initiates a prompt initial assessment to determine the next steps the College needs to take.

The Title IX Coordinator or designee will initiate at least one of three responses:

a. Offering supportive measures because the Complainant does not want to file a formal complaint; and/or
b. An informal resolution (upon submission of a formal complaint); and/or
c. A Formal Grievance Process including an investigation and a hearing (upon submission of a formal complaint).

5 Anywhere this procedure indicates “Title IX Coordinator,” the College may substitute a trained designee.
The College uses the Formal Grievance Process to determine whether or not the Policy has been violated. If so, the College will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to harassment or discrimination, their potential recurrence, or their effects.

A.3. Initial Assessment of Notice or Complaint

Following receipt of notice or a complaint of an alleged violation of this Policy, the Title IX Coordinator\(^6\) engages in an initial assessment, typically within one to five business days. The steps in an initial assessment can include:

- If notice is given, the Title IX Coordinator seeks to determine if the person impacted wishes to make a formal complaint, and will assist them to do so, if desired.
  - If they do not wish to do so, the Title IX Coordinator determines whether to initiate a complaint because a violence risk assessment indicates a compelling threat to health and/or safety.
- If a formal complaint is received, the Title IX Coordinator assesses its sufficiency and works with the Complainant to make sure it is correctly completed.
- The Title IX Coordinator reaches out to the Complainant to offer supportive measures.
- The Title IX Coordinator ensures the Complainant is aware of the right to have an Advisor.
- The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive and remedial response, an informal resolution option, or a formal investigation and grievance process.
  - If a supportive and remedial response is preferred, the Title IX Coordinator works with the Complainant to identify their wishes, assesses the request, and implements accordingly. No Formal Grievance Process is initiated, though the Complainant can elect to initiate one later, if desired.
  - If an informal resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for informal resolution, and may seek to determine if the Respondent is also willing to engage in informal resolution.
  - If a Formal Grievance Process is preferred, the Title IX Coordinator determines if the misconduct alleged falls within the scope of Title IX:
    - If it does, the Title IX Coordinator will initiate the formal investigation and grievance process, directing the investigation to address:
      - an incident, and/or
      - a pattern of alleged misconduct, and/or
      - a culture/climate issue, based on the nature of the complaint.

\(^6\) If circumstances require, the President or Title IX Coordinator will designate another person to oversee the process below should an allegation be made about the Coordinator or the Coordinator be otherwise unavailable or unable to fulfill their duties.
If it does not, the Title IX Coordinator determines that Title IX does not apply (and will “dismiss” that aspect of the complaint, if any), assesses which policies may apply, and refers the matter for resolution under Process B. Please note that dismissing a complaint under Title IX is solely a procedural requirement under Title IX, and does not limit the College’s authority to address a complaint with an appropriate process and remedies.

A. Threat and Risk Assessment

In many cases, the Title IX Coordinator may determine that a threat and/or risk assessment (which may include an individualized safety and risk analysis) should be conducted as part of the initial assessment. This assessment can aid in a number of critical and/or required determinations, including:

- Emergency removal of a Respondent on the basis of immediate threat to physical health/safety;
- Whether the Title IX Coordinator should pursue/sign a formal complaint absent a willing/able Complainant;
- Whether to put the investigation on the footing of incident and/or pattern and/or climate;
- To help identify potential predatory conduct;
- To help assess/identify grooming behaviors;
- Whether it is reasonable to try to resolve a complaint through informal resolution;
- Whether to permit a voluntary withdrawal by the Respondent;
- Whether to communicate with a transfer College about a Respondent;
- Assessment of appropriate sanctions/remedies (to be applied post-hearing); and/or
- Whether a Clery Act Timely Warning/Trespass order/Persona-non-grata is needed.

Threat assessment is the process of evaluating the actionability of violence by an individual against another person or group following the issuance of a direct or conditional threat. A risk assessment is a broader term used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat.

A risk assessment authorized by the Title IX Coordinator should occur in collaboration other personnel determined to be necessary to address the specific situation. This may include, but is not limited to: campus law enforcement, mental health professionals, representatives of student affairs and human resources, and, if available, college or university counsel. Where a risk assessment is required by the Title IX Coordinator, a Respondent refusing to cooperate may result in a charge of failure to comply within the appropriate student or employee conduct process.

A risk assessment is not an evaluation for an involuntary behavioral health hospitalization (e.g., M.G.L. Section XII), nor is it a psychological or mental health assessment. A risk assessment assesses the risk of actionable violence.
B. Dismissal (Mandatory and Discretionary)\(^7\)

The College must dismiss a formal Title IX complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that one or more of the conditions listed below is met. It should be noted, however, that this mandatory dismissal is a procedural requirement under federal law, and it does not prevent the College from taking other action under another provision of the College code of conduct or this policy (such as remedies described under Process B). Mandatory dismissal is required if:

1. The conduct alleged in the formal complaint would not constitute sexual harassment as defined above, even if proved; and/or
2. The conduct did not occur in an educational program or activity controlled by the College (including buildings or property controlled by recognized student organizations); and/or
3. The conduct did not occur against a person in the United States; and/or
4. At the time of filing a formal complaint, a complainant is not participating in or attempting to participate in the education program or activity of the recipient\(^8\).

The College may dismiss a formal complaint or any allegations therein if, at any time during the investigation or 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; or
2. The Respondent is no longer enrolled in or employed by the recipient; or
3. Specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon any dismissal, the College will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties.

This dismissal decision is appealable by any party under the procedures for appeal below.

A.4. Right to an Advisor

The parties may each have an Advisor\(^9\) of their choice present with them for all meetings, interviews, and hearings within the resolution process, if they so choose. The parties may select whoever they wish to serve as their Advisor as long as the Advisor is eligible and available.\(^10\)

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\(^7\) These dismissal requirements are mandated by the 2020 Title IX Regulations, 34 CFR §106.45.

\(^8\) Such a Complainant is still entitled to supportive measures, but the formal grievance process is not applicable.

\(^9\) This could include an attorney, advocate, or support person. Witnesses are not entitled to Advisors within the process, though they can be advised externally.

\(^10\) “Available” means the party cannot insist on an Advisor who simply doesn’t have inclination, time, or availability. Also, the Advisor cannot have institutionally conflicting roles, such as being a Title IX administrator who has an active role in the matter, or a supervisor who must monitor and implement sanctions.
Choosing an Advisor who is also a witness in the process creates potential for bias and conflict-of-interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the hearing Decision-maker(s).

**A. Who Can Serve as an Advisor**

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

Parties also have the right to choose not to have an Advisor in the initial stages of the resolution process, prior to a hearing. However, federal regulations require that all parties have an advisor present during hearings (see C. below for additional details).

**B. Advisor’s Role in Meetings and Interviews**

The parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

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

**C. Advisors in Hearings/College-Appointed Advisor**

Under U.S. Department of Education regulations under Title IX, a form of indirect questioning is required during the hearing, but must be conducted by the parties’ Advisors. The parties are not permitted to directly question each other or any witnesses. If a party does not have an Advisor for a hearing, the College will appoint a trained Advisor for the limited purpose of conducting any questioning of the other party and witnesses.

A party may reject this appointment and choose their own Advisor, but they may not proceed without an Advisor. If the party’s Advisor will not conduct questioning, the College will appoint an Advisor who will do so thoroughly, regardless of the participation or non-participation of the advised party in the hearing itself. Extensive questioning of the parties and witnesses will also be conducted by the Decision-maker(s) during the hearing.

**D. Pre-Interview Meetings**

Advisors may request to meet with the administrative officials conducting interviews/meetings in advance of these interviews or meetings. This pre-meeting allows Advisors to clarify and understand their role and the College’s policies and procedures.
E. Advisor Violations of College Policy

All Advisors are subject to the same College policies and procedures, whether they are attorneys or not. Advisors are expected to advise their advisees without disrupting proceedings. Advisors should not regularly address College officials during meetings or interviews unless invited to (e.g., asking procedural questions). The Advisor may not make a presentation or represent their advisee during any meeting or proceeding and may not speak on behalf of the advisee to the Investigator(s) or other Decision-maker(s) except during a hearing proceeding, during cross-examination.

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

Any Advisor who oversteps their role as defined by this policy will be warned only once. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting will be ended, or other appropriate measures implemented. Subsequently, the Title IX Coordinator will determine how to address the Advisor’s non-compliance and future role.

F. Sharing Information with the Advisor

The College expects that the parties may wish to have the College share documentation and evidence related to the allegations with their Advisors. Parties may share this information directly with their Advisor or other individuals if they wish. Doing so may help the parties participate more meaningfully in the resolution process.

If a party wishes to authorize the College to share such information directly with the party’s Advisor, such a request must be made in writing (email is acceptable) to the Title IX Coordinator, demonstrating consent to a release of information to the Advisor before the College is able to share records with an Advisor.

If a party requests that all communication be made through their attorney Advisor, the College may comply with that request at the discretion of the Title IX Coordinator.

G. Privacy of Records Shared with Advisor

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by the College. The College may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by the College’s privacy expectations.
H. Expectations of an Advisor

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

The College may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

I. Expectations of the Parties with Respect to Advisors

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. The parties are expected to inform the Investigator(s) of the identity of their Advisor at least two (2) business days before the date of their first meeting with Investigators (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the Title IX Coordinator if they change Advisors at any time. It is assumed that if a party changes Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor must be secured. Parties are expected to inform the Title IX Coordinator of the identity of their hearing Advisor at least two (2) business days before the hearing.

J. Assistance in Securing an Advisor

For representation, Respondents may wish to contact organizations such as:

- FACE (http://www.facecampusequality.org)
- SAVE (http://www.saveservices.org).

Complainants may wish to contact organizations such as:

- The Victim Rights Law Center (http://www.victimrights.org),
- The National Center for Victims of Crime (http://www.victimsofcrime.org), which maintains the Crime Victim’s Bar Association.]
- The Time’s Up Legal Defense Fund: https://nwlc.org/times-up-legal-defense-fund/ ]

A.5. Resolution Processes

Resolution proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accordance with College policy. Although there is an expectation of privacy around what Investigators share with parties during interviews, the parties have discretion to share their own knowledge and evidence with others if they so choose, with the exception of information the parties agree not to disclose related to Informal Resolution, discussed below. The College encourages parties to discuss any sharing of information with their Advisors before doing so.
Under Process A, there are two broad resolution process categories:

- Informal Resolution; or
- Formal Grievance Process (including an investigation and hearing; described in Section A.6 and following).

A. Informal Resolution Overview

Informal Resolution can include the following different approaches:

1) When the Title IX Coordinator can resolve the matter informally by providing supportive measures (only) to remedy the situation.

2) When all parties agree to resolve the matter through an alternate resolution mechanism, usually before a formal investigation takes place; see discussion in B., below.

3) When the Respondent accepts responsibility for violating policy, and desires to accept a sanction and end the resolution process (similar to above, but usually occurs post-investigation); see discussion in C., below.

To initiate Informal Resolution, a Complainant needs to submit a formal complaint, as defined above. A Respondent who wishes to initiate Informal Resolution should contact the Title IX Coordinator.

It is not necessary to pursue Informal Resolution first in order to pursue a Formal Grievance Process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process.

Prior to implementing Informal Resolution, the College will provide the parties with written notice of the reported misconduct and any sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by the College.

The College will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal Resolution.

NOTE: Informal Resolution may **not** be used for reports of Sexual Harassment (as defined in this policy) where the Respondent is an employee and the complainant is a student.

B. Informal Resolution: Alternate Resolution Mechanism

Alternate Resolution is a form of informal resolution by which the parties reach a mutually agreed upon resolution of an allegation. All parties must consent to the use of an Alternate Resolution mechanism.

The Title IX Coordinator may look to the following factors to assess whether Alternate Resolution is appropriate, or which form of Alternate Resolution may be most successful for the parties:
• The parties’ amenability to Alternate Resolution;
• Likelihood of potential resolution, taking into account any power dynamics between the parties;
• The parties’ motivation to participate;
• Civility of the parties;
• Results of a violence risk assessment/ongoing risk analysis;
• Disciplinary history;
• Whether an emergency removal is needed;
• Skill of the Alternate Resolution facilitator with this type of allegation;
• Complaint complexity;
• Emotional investment/capability of the parties;
• Rationality of the parties;
• Goals of the parties;
• Adequate resources to invest in Alternate Resolution (time, staff, etc.)

The ultimate determination of whether Alternate Resolution is available or successful is to be made by the Title IX Coordinator. The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions. Results of complaints resolved by Informal Resolution or Alternate Resolution are not appealable.

C. **Informal Resolution: Respondent Accepts Responsibility for Alleged Violations**

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal process will be paused, and the Title IX Coordinator will determine whether Informal Resolution can be used according to the criteria above.

If Informal Resolution is applicable, the Title IX Coordinator will determine whether all parties and the College are able to agree on responsibility, sanctions, and/or remedies. If so, the Title IX Coordinator implements the accepted finding that the Respondent is in violation of College policy and implements agreed-upon sanctions and/or remedies, in coordination with other appropriate administrator(s), as necessary.

This result is not subject to appeal once all parties indicate their written assent to all agreed upon terms of resolution. When the parties cannot agree on all terms of resolution, the Formal Grievance Process will resume at the same point where it was paused.

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

D. **Informal Resolution: Negotiated Resolution**
The Title IX Coordinator, with the consent of the parties, may negotiate and implement an agreement to resolve the allegations that satisfies all parties and the College. Negotiated Resolutions are not appealable.

A.6. **Formal Grievance Process Pool**

The Formal Grievance Process relies on a pool of administrators ("the Pool") to carry out the process. Members of the Pool are announced in an annual distribution of this policy to all students, parents/guardians of students, employees, prospective students, and prospective employees.

The list of Pool members and a description of the Pool can be found in Section 7 above.

**A. Pool Member Roles**

Members of the Pool are trained annually, and can serve in the following roles, at the direction of the Title IX Coordinator:

- To provide appropriate intake of and initial guidance pertaining to complaints;
- To act as an Advisor to the parties;
- To serve in a facilitation role in Informal Resolution or Alternate Resolution if appropriately trained;
- To perform or assist with initial assessment;
- To investigate complaints;
- To serve as a hearing facilitator (process administrator, no decision-making role); and/or
- To serve as a Decision-maker regarding the complaint.

**B. Pool Member Appointment**

The Title IX Coordinator appoints the Pool, which acts with independence and impartiality. Although members of the Pool are typically trained in a variety of skill sets and can rotate amongst the different roles listed above in different cases, the College can also designate permanent roles for individuals in the Pool, using others as substitutes or to provide greater depth of experience when necessary. This process of role assignment may be the result of particular skills, aptitudes, or talents identified in members of the Pool that make them best suited to particular roles.

See section 7 (above) for a list of current Pool members. Individuals who are interested in serving in the Pool are encouraged to contact the Title IX Coordinator.

**C. Pool Member Training**

The Pool members receive annual training (which may jointly or based on their respective roles, as appropriate). This training includes, but is not limited to:

- The scope of the College’s Discrimination and Harassment Policy and Procedures
• How to conduct investigations and hearings that protect the safety of Complainants and Respondents, and promote accountability
• Implicit bias
• Disparate treatment and impact
• Reporting, confidentiality, and privacy requirements
• Applicable laws, regulations, and federal regulatory guidance
• How to implement appropriate and situation-specific remedies
• How to investigate in a thorough, reliable, and impartial manner
• How to uphold fairness, equity, and due process
• How to weigh evidence
• How to conduct questioning
• How to assess credibility
• Impartiality and objectivity
• How to render findings and generate clear, concise, evidence-based rationales
• The definitions of all offenses
• How to apply definitions used by the recipient with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy
• How to conduct an investigation and grievance process including hearings and informal resolution processes
• How to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias
• Any technology to be used at a live hearing
• Issues of relevance of questions and evidence
• Issues of relevance to create an investigation report that fairly summarizes relevant evidence
• How to determine appropriate sanctions in reference to all forms of harassment, discrimination, and/or retaliation allegations
• Recordkeeping

Specific training is also provided for Appeal Decision-makers, intake personnel, Advisors (who are College employees), and Chairs. All Pool members are required to attend these trainings annually. The materials used to train all members of the Pool will be publicly posted on the college website (Title IX Training Materials).

A.7. **Formal Grievance Process: Notice of Investigation and Allegations**

The Title IX Coordinator will provide written notice of the investigation and allegations (the “NOIA”) to the Respondent upon commencement of the Formal Grievance Process. This facilitates the Respondent’s ability to prepare for the interview and to identify and choose an Advisor to accompany them. The NOIA is also copied to the Complainant, who is to be given advance notice of when the NOIA will be delivered to the Respondent.

The NOIA will include:

• A meaningful summary of all of allegations,
• The identity of the involved parties (if known),
• The precise misconduct being alleged,
• The date and location of the alleged incident(s) (if known),
• The specific policies implicated,
• A description of the applicable procedures,
• A statement of the potential sanctions/responsive actions that could result,
• A statement that the College presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination,
• A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period,
• A statement about the College’s policy on retaliation,
• Information about the privacy of the process,
• Information on the need for each party to have an Advisor of their choosing during a hearing and suggestions for ways to identify an Advisor,
• A statement informing the parties that the College Policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process,
• Detail on how the party may request disability accommodations during the interview process,
• The name(s) of the Investigator(s), along with a process to identify, in advance of the interview process, to the Title IX Coordinator any conflict of interest that the Investigator(s) may have, and
• An instruction to preserve any evidence that is directly related to the allegations.

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges.

Notice will be made in writing and may be delivered by one or more of the following methods: in person, emailed to the parties’ College-issued email, or delivered to the parties’ campus mailbox. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

A.8. Resolution Timeline

The College will make a good faith effort to complete the resolution process within a sixty to ninety (60-90) business day time period, including appeal, which can be extended as necessary for appropriate cause by the Title IX Coordinator, who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

A.9. Appointment of Investigators

Once the decision to commence a formal investigation is made, the Title IX Coordinator appoints Pool members to conduct the investigation (typically using a team of two Investigators), usually within two (2) business days of determining that an investigation should proceed.
A.10. **Ensuring Impartiality**

Any individual materially involved in the administration of the resolution process, including the Title IX Coordinator, Investigator(s), and Decision-maker(s), may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.

The Title IX Coordinator will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with Executive Vice President for Campus Life (Dan Tymann; 978-867-4260; dan.tymann@gordon.edu).

The Formal Grievance Process involves an objective evaluation of all relevant evidence obtained, including evidence that supports that the Respondent engaged in a policy violation and evidence that supports that the Respondent did not engage in a policy violation. Credibility determinations may not be based solely on an individual’s status or participation as a Complainant, Respondent, or witness.

The College operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation by the applicable standard of proof.

A.11. **Investigation Timeline**

Investigations are completed expeditiously, normally within forty to sixty (40-60) business days, though some investigations may take longer, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

The College will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

A.12. **Delays in the Investigation Process and Interactions with Law Enforcement**

The College may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include, but are not limited to: a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of parties and/or witnesses, and/or accommodations for disabilities or health conditions.
The College will communicate in writing the anticipated duration of the delay and reason to the parties, and provide the parties with status updates if necessary. The College will promptly resume its investigation and resolution process as soon as feasible. During such a delay, the College will implement supportive measures as deemed appropriate.

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

A.13. Steps in the Investigation Process

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.

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

- Determine the identity and contact information of the Complainant
- In coordination with campus partners (e.g., the Title IX Coordinator), initiate or assist with any necessary supportive measures
- Identify all policies implicated by the alleged misconduct and notify the Complainant and Respondent of all of the specific policies implicated
- Assist the Title IX Coordinator with conducting a prompt initial assessment to determine if the allegations indicate a potential policy violation
- Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all witnesses and the parties
- Meet with the Complainant to finalize their interview/statement, if necessary
- Prepare the initial Notice of Investigation and Allegation (NOIA). The NOIA may be amended with any additional or dismissed allegations
- Notice should inform the parties of their right to have the assistance of an Advisor of their choosing present for all meetings attended by the party
- Notice should also inform the parties that, if they do not provide an Advisor of their choosing, the College will provide an Advisor from the Pool for the purpose of cross examination at a live hearing, if applicable
- Provide each interviewed party and witness an opportunity to review and verify the Investigator’s summary report(s) of the relevant evidence/testimony from their respective interviews and meetings
• Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible
• When participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose
• Interview all available, relevant witnesses and conduct follow-up interviews as necessary
• Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of the other party and witnesses, and document in the report which questions were asked, with a rationale for any changes or omissions
• Complete the investigation promptly and without unreasonable deviation from the intended timeline
• Provide regular status updates to the parties throughout the investigation
• Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) with a list of witnesses whose information will be used to render a finding
• Write a comprehensive draft investigation report, fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices including relevant physical or documentary evidence will be included
• The Investigator(s) gather, assess, and synthesize evidence, but make no conclusions, engage in no policy analysis, and render no recommendations as part of the draft investigation report
• Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which the College does not intend to rely in reaching a determination, for a ten (10) business day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full ten days. Each copy of the materials shared will be watermarked on each page with the role of the person receiving it (e.g., Complainant, Respondent, Complainant’s Advisor, Respondent’s Advisor).
• The Investigator(s) may elect to respond in writing in the investigation report to the parties’ submitted responses and/or to share the responses between the parties for additional responses
• The Investigator(s) will incorporate relevant elements of the parties’ written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The Investigator(s) should document all rationales for any changes made after the review and comment period
• The Investigator(s) shares the report with the Title IX Coordinator for review and feedback
• The Investigator will incorporate any relevant feedback, and the final report is then shared with all parties and their Advisors through secure electronic transmission or hard copy at least ten (10) business days prior to a hearing. The parties are also provided with a file of any directly related evidence that was not included in the report

A.14. **Role and Participation of Witnesses in the Investigation**

Witnesses (as distinguished from the parties) who are employees of the College are expected to cooperate with and participate in the investigation and resolution process. Failure of such
witnesses to cooperate with and/or participate in the investigation or resolution process constitutes a violation of policy and may warrant discipline.

Although in-person interviews for parties and all potential witnesses are ideal, circumstances (e.g., study abroad, summer break) may require individuals to be interviewed remotely. Skype, Zoom, FaceTime, WebEx, or similar technologies may be used for interviews if the Investigator(s) determine that timeliness or efficiency dictate a need for remote interviewing. The College will take appropriate steps to reasonably ensure the security/privacy of remote interviews.

A.15. **Recording of Interviews**

No unauthorized audio or video recording of any kind is permitted during investigation meetings. If Investigator(s) elect to audio and/or video record interviews, all involved parties must be made aware of and consent to audio and/or video recording.

A.16. **Evidentiary Considerations in the Investigation**

The investigation does not consider:

a. incidents not directly related to the possible violation, unless they evidence a pattern;

b. the character of the parties; or

c. questions and evidence about the Complainant’s sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant’s prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, 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.

A.17. **Referral for Hearing**

Provided that the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the parties, the Title IX Coordinator will refer the matter for a hearing and will select appropriate Decision-makers from the Pool.

The hearing cannot be less than ten (10) business days from the conclusion of the investigation—when the final investigation report is transmitted to the parties and the Decision-maker—unless all parties and the Decision-maker agree to an expedited timeline.
A.18. **Hearing Decision-maker Composition**

The College will designate a single Decision-maker or a three-member panel from the Pool, at the discretion of the Title IX Coordinator. The single Decision-maker will also Chair the hearing. With a panel, one of the panel members will be appointed as Chair by the Title IX Coordinator.

The Decision-maker(s) will not have had any previous involvement with the investigation. The Title IX Coordinator may elect to have an alternate from the Pool sit in throughout the hearing process in the event that a substitute is needed for any reason.

Those who have served as Investigators will be witnesses in the hearing and therefore may not serve as Decision-makers. Those who are serving as Advisors for any party may not serve as Decision-makers in that matter.

The Title IX Coordinator may not serve as a Decision-maker or Chair in the matter but may serve as an administrative facilitator of the hearing if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a designee may fulfill this role. The hearing will convene at a time determined by the Chair or designee.

A.19. **Evidentiary Considerations in the Hearing**

Any evidence that the Decision-maker(s) determine(s) is relevant and credible may be considered. The hearing does not consider:

- incidents not directly related to the possible violation, unless they evidence a pattern;
- the character of the parties; or
- questions and evidence about the Complainant’s sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant’s prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, 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.

Previous disciplinary action of any kind involving the Respondent may be considered in determining an appropriate sanction upon a determination of responsibility. This information is only considered at the sanction stage of the process, and is not shared until then.

The parties may each submit a written impact statement prior to the hearing for the consideration of the Decision-maker(s) at the sanction stage of the process when a determination of responsibility is reached. The Notice of Hearing will invite the parties to submit the impact statement. No impact statements will be accepted after the hearing begins.

After post-hearing deliberation, the Decision-maker(s) renders a determination based on the preponderance of the evidence; whether it is more likely than not that the Respondent violated the Policy as alleged.
A.20. **Notice of Hearing**

No less than ten (10) business days prior to the hearing, the Title IX Coordinator or the Chair will send notice of the hearing to the parties. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The notice will contain:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result.
- The time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities.
- Any technology that will be used to facilitate the hearing.
- Information explaining that the live hearing will occur with the parties located in separate rooms using technology that enables the Decision-maker(s) and parties to see and hear a party or witness answering questions.
- A list of all those who will attend the hearing, along with an invitation to object to any Decision-maker on the basis of demonstrated bias. This must be raised with the Title IX Coordinator at least two (2) business days prior to the hearing.
- Information on how the hearing will be recorded and on access to the recording for the parties after the hearing.
- A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the party’s or witness’s testimony and any statements given prior to the hearing will **not** be considered by the Decision-maker(s). For compelling reasons, the Chair may reschedule the hearing.
- Notification that the parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify the Title IX Coordinator if they do not have an Advisor, and the College will appoint one. Each party must have an Advisor present. There are no exceptions.
- A copy of all the materials provided to the Decision-maker(s) about the matter, unless they have been provided already.\(^{11}\)
- An invitation to each party to submit to the Chair an impact statement pre-hearing that the Decision-maker will review during any sanction determination if .
- An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing.
- Notification that parties cannot bring mobile phones/devices into the hearing.

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as

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\(^{11}\) The final investigation report may be shared using electronic means that preclude downloading, forwarding, or otherwise sharing.
needed, to meet the resolution timeline followed by the College and remain within the 60-90 business day goal for resolution.

In these cases, if the Respondent is a graduating student, a hold may be placed on graduation and/or official transcripts until the matter is fully resolved (including any appeal). A student facing charges under this Policy is not in good standing to graduate.

A.21. **Alternative Hearing Participation Options**

If a party or parties prefer not to attend or cannot attend the hearing in person, the party should request alternative arrangements from the Title IX Coordinator or the Chair at least five (5) business days prior to the hearing.

The Title IX Coordinator or the Chair can arrange to use technology to allow remote testimony without compromising the fairness of the hearing. Remote options may also be needed for witnesses who cannot appear in person. Any witness who cannot attend in person should let the Title IX Coordinator or the Chair know at least five (5) business days prior to the hearing so that appropriate arrangements can be made.

A.22. **Pre-Hearing Preparation**

The Chair or hearing facilitator after any necessary consultation with the parties, Investigator(s) and/or Title IX Coordinator, will provide the names of persons who will be participating in the hearing, all pertinent documentary evidence, and the final investigation report to the parties at least ten (10) business days prior to the hearing.

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s), unless all parties and the Chair assent to the witness’s participation in the hearing. The same holds for any evidence that is first offered at the hearing. If the parties and Chair do not assent to the admission of evidence newly offered at the hearing, the Chair may delay the hearing and instruct that the investigation needs to be re-opened to consider that evidence.

The parties will be given a list of the names of the Decision-maker(s) at least five (5) business days in advance of the hearing. All objections to any Decision-maker must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator as soon as possible and no later than two (2) days prior to the hearing. Decision-makers will only be removed if the Title IX Coordinator concludes that their bias or conflict of interest precludes an impartial hearing of the allegation(s).

The Title IX Coordinator will give the Decision-maker(s) a list of the names of all parties, witnesses, and Advisors at least five (5) business days in advance of the hearing. Any Decision-maker who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties, witnesses, and Advisors in advance of
the hearing. If a Decision-maker is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator as soon as possible.

During the ten (10) business day period prior to the hearing, the parties have the opportunity for continued review and comment on the final investigation report and available evidence. That review and comment can be shared with the Chair at the pre-hearing meeting or at the hearing and will be exchanged between each party by the Chair.

A.23. Pre-Hearing Meetings

The Chair may convene a pre-hearing meeting(s) with the parties and/or their Advisors to invite them to submit the questions or topics they (the parties and/or their Advisors) wish to ask or discuss at the hearing, so that the Chair can rule on their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or provide recommendations for more appropriate phrasing. However, this advance review opportunity does not preclude the Advisors from asking a question for the first time at the hearing or from asking for a reconsideration based on any new information or testimony offered at the hearing. The Chair must document and share with each party their rationale for any exclusion or inclusion at a pre-hearing meeting.

The Chair, only with full agreement of the parties, may decide in advance of the hearing that certain witnesses do not need to be present if their testimony can be adequately summarized by the Investigator(s) in the investigation report or during the hearing.

At each pre-hearing meeting with a party and their Advisor, the Chair will consider arguments that evidence identified in the final investigation report as relevant is, in fact, not relevant. Similarly, evidence identified as directly related but not relevant by the Investigator(s) may be argued to be relevant. The Chair may rule on these arguments pre-hearing and will exchange those rulings between the parties prior to the hearing to assist in preparation for the hearing. The Chair may consult with legal counsel and/or the Title IX Coordinator, or ask either or both to attend pre-hearing meetings.

The pre-hearing meeting(s) will not be recorded.

A.24. Hearing Procedures

At the hearing, the Decision-maker(s) has the authority to hear and make determinations on all allegations of discrimination, harassment, and/or retaliation and may also hear and make determinations on any additional alleged policy violations that have occurred in concert with the discrimination, harassment, and/or retaliation, even though those collateral allegations may not specifically fall within the policy on Equal Opportunity, Harassment, and Nondiscrimination.

Participants at the hearing will include the Chair, any additional panelists, the hearing facilitator, the Investigator(s) who conducted the investigation, the parties (or three (3) organizational representatives when an organization is the Respondent), Advisors to the parties, any called
witnesses, the Title IX Coordinator and anyone providing authorized accommodations or assistive services.

The hearing facilitator (or the Chair, if no hearing facilitator has been appointed) will answer all questions of procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

The hearing facilitator (or the Chair, if no hearing facilitator has been appointed) will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Decision-maker(s) and the parties and the witnesses will then be excused.

A.25. **Joint Hearings**

In hearings involving more than one Respondent or in which two (2) or more Complainants have accused the same individual of substantially similar conduct, the default procedure will be to hear the allegations jointly.

However, the Title IX Coordinator may permit the investigation and/or hearings pertinent to each Respondent to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent with respect to each alleged policy violation.

A.26. **The Order of the Hearing – Introductions and Explanation of Procedure**

The hearing facilitator (or the Chair, if no hearing facilitator has been appointed) explains the procedures and introduces the participants. This may include a final opportunity for challenge or recusal of the Decision-maker(s) on the basis of bias or conflict of interest. The Chair will rule on any such challenge unless the Chair is the individual who is the subject of the challenge, in which case the Title IX Coordinator will review and decide the challenge.

The hearing facilitator (or the Chair, if no hearing facilitator has been appointed) then conducts the hearing according to the hearing script. At the hearing, recording, witness logistics, party logistics, curation of documents, separation of the parties, and other administrative elements of the hearing process are managed by a non-voting hearing facilitator. The hearing facilitator may attend to: logistics of rooms for various parties/witnesses as they wait; flow of parties/witnesses in and out of the hearing space; ensuring recording and/or virtual conferencing technology is working as intended; copying and distributing materials to participants, as appropriate, etc.

A.27. **Investigator Presents the Final Investigation Report**

The Investigator(s) will then present a summary of the final investigation report, including items that are contested and those that are not, and will be subject to questioning by the Decision-
maker(s) and the parties (through their Advisors). The Investigator(s) will be present during the entire hearing process, but not during deliberations.

Neither the parties nor the Decision-maker(s) should ask the Investigator(s) their opinions on credibility, recommended findings, or determinations, and the Investigators, Advisors, and parties will refrain from discussion of or questions about these assessments. If such information is introduced, the Chair will direct that it be disregarded.

A.28. **Testimony and Questioning**

After the Investigator is finished, the Complainant’s Advisor will be given an opportunity to make a brief statement. The Decision-maker(s) and the Respondent’s Advisor will then be given an opportunity to cross-examine the Complainant. The Complainant’s Advisor may ask follow-up questions of the Complainant after the cross-examination by the Respondent’s Advisor.

The Respondent’s Advisor will then be given an opportunity to make a brief statement, and the Decision-maker(s) and the Complainant’s Advisor will then have an opportunity to cross-examine the Respondent. The Respondent’s Advisor may ask follow-up questions of the Respondent after cross-examination by the Complainant’s Advisor.

During the cross-examination portion of the hearing, the Decision-maker(s) may pose questions to the Complainant or Respondent or their respective Advisors.

The Decision-maker(s) may hear from witnesses, provided that any witness scheduled to appear must have been interviewed by the Investigator prior to the hearing or must have offered a written statement or answered written questions posed by the Investigator. Each witness will be questioned by the Decision-maker(s), the Complainant’s Advisor, and the Respondent’s Advisor. The Decision-maker(s) will allow for each party’s Advisor to ask any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination must be conducted directly, orally, and in real time by the party’s Advisor and never by a party personally. Only relevant cross-examination and other questions may be asked of a witness.

At the conclusion of the presentation of all witnesses, the Complainant (or their Advisor) and the Respondent (or their Advisor) will each be given a brief final opportunity to address any outstanding issues of fact and submit additional written questions to the Decision-maker(s). The Chair will determine the appropriateness and relevance of the questions. If any questions are approved, the Complainant and Respondent will be permitted to ask their questions in the same questioning format as previously used in the hearing, with the Complainant being the first to ask, followed by the Respondent.

All questions are subject to a relevance determination by the Chair. The Advisor, who will remain seated during questioning, will pose the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted by the Chair.
upon request if agreed to by all parties and the Chair), the proceeding will pause to allow the Chair to consider it (and state it if it has not been stated aloud), and the Chair will determine whether the question will be permitted, disallowed, or rephrased.

The Chair may invite explanations or persuasive statements regarding relevance with the Advisors, if the Chair so chooses. The Chair will then state their decision on the question for the record and advise the party/witness to whom the question was directed, accordingly. The Chair will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Chair has final say on all questions and determinations of relevance. The Chair may consult with legal counsel on any questions of admissibility. The Chair may ask Advisors to frame why a question is or is not relevant from their perspective but will not entertain argument from the Advisors on relevance once the Chair has ruled on a question.

If the parties raise an issue of bias or conflict of interest of an Investigator or Decision-maker at the hearing, the Chair may elect to address those issues, consult with legal counsel, and/or refer them to the Title IX Coordinator, and/or preserve them for appeal. If bias is not in issue at the hearing, the Chair should not permit irrelevant questions that probe for bias.

A.29. Refusal to Submit to Cross-Examination and Inferences

If a party or witness chooses not to submit to cross-examination at the hearing, either because they do not attend the meeting, or they attend but refuse to participate in questioning, then the Decision-maker(s) may not rely on any prior statement made by that party or witness at the hearing (including those contained in the investigation report) in the ultimate determination of responsibility. The Decision-maker(s) must disregard that statement. Evidence provided that is something other than a statement by the party or witness may be considered.

If the party or witness attends the hearing and answers some cross-examination questions, only statements related to the cross-examination questions they refuse to answer cannot be relied upon. However, if the statements of the party who is refusing to submit to cross-examination or refuses to attend the hearing are the subject of the allegation itself (e.g., the case is about verbal harassment or a quid pro quo offer), then those statements are not precluded from admission.

The Decision-maker(s) may not draw any inference solely from a party’s or witness’s absence from the hearing or refusal to answer cross-examination or other questions.

If charges of policy violations other than sexual harassment are considered at the same hearing, the Decision-maker(s) may consider all evidence it deems relevant, may rely on any relevant statement as long as the opportunity for cross-examination is afforded to all parties through
their Advisors, and may draw reasonable inferences from any decision by any party or witness not to participate or respond to questions.

If a party’s Advisor of choice refuses to comply with the College’s established rules of decorum for the hearing, the College may require the party to use a different Advisor. If a College-provided Advisor refuses to comply with the rules of decorum, the College may provide that party with a different Advisor to conduct cross-examination on behalf of that party.

A.30. Recording Hearings

Hearings (but not deliberations) are recorded by the College for purposes of review in the event of an appeal. The parties may not record the proceedings, and no other unauthorized recordings are permitted.

The Decision-maker(s), the parties, their Advisors, and appropriate administrators of the College will be permitted to listen to the recording in a controlled environment determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

A.31. Deliberation, Decision-making, and Standard of Proof

The Decision-maker(s) will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. If a panel is used, a simple majority vote is required to determine the finding. The preponderance of the evidence standard of proof is used. The hearing facilitator, if any, will attend the deliberation, but is there only to facilitate procedurally, not to address the substance of the allegations.

When there is a finding of responsibility on one or more of the allegations, the Decision-maker(s) may then consider the previously submitted party impact statements in determining appropriate recommended sanction(s).

The Chair will ensure that each of the parties has an opportunity to review any impact statement submitted by the other party(ies). The Decision-maker(s) may – at their discretion – consider the statements, but they are not binding.

The Decision-maker(s) will review the statements and any pertinent conduct history provided by the Dean of Student Care (or designee), when the Respondent is a student, or the Director of Human Resources (or designee), when the Respondent is a non-student employee. The Decision-maker(s) will recommend the appropriate sanction(s), in consultation with other appropriate administrators, as required.

The Chair will then prepare a written deliberation statement and deliver it to the Title IX Coordinator, detailing the determination, rationale, the evidence used in support of its
determination, the evidence not relied upon in its determination, credibility assessments, and any recommended sanctions.

This report is typically three (3) to five (5) pages in length and must be submitted to the Title IX Coordinator within two (2) business days of the end of deliberations, unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the parties.

The Title IX Coordinator will review and confirm the recommended sanctions in consultation with the Dean of Student Care (or designee), when the Respondent is a student, or the Director of Human Resources (or designee), when the Respondent is a non-student employee.

A.32. **Notice of Outcome**

Using the deliberation statement, the Title IX Coordinator will work with the Chair to prepare a Notice of Outcome; at the discretion of the Title IX Coordinator, the Notice of Outcome may be reviewed by legal counsel. The Title IX Coordinator will then share the letter, including the final determination, rationale, and any applicable sanction(s) with the parties and their Advisors within seven (7) business days of receiving the Decision-maker(s)’ deliberation statement.

The Notice of Outcome will be shared with the parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official College records, or emailed to the parties’ College-issued email or otherwise approved account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The Notice of Outcome will articulate the specific policy(ies) reported to have been violated, including the relevant policy section, and will contain a description of the procedural steps taken by the College from the receipt of the misconduct report to the determination, including any and all notifications to the parties, interviews with parties and witnesses, site visits, methods used to obtain evidence, and hearings held.

The Notice of Outcome will specify the finding on each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent the College is permitted to share such information under state or federal law; any sanctions issued which the College is permitted to share according to state or federal law; and any remedies provided to the Complainant designed to ensure access to the College’s educational or employment program or activity, to the extent the College is permitted to share such information under state or federal law (this detail is not typically shared with the Respondent unless the remedy directly relates to the Respondent).
The Notice of Outcome will also include information on when the results are considered by the College to be final, any changes that occur prior to finalization, and the relevant procedures and bases for any available appeal options.

A.33. **Sanctions**

Factors considered when the Title IX Coordinator determines a sanction/responsive action may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent’s disciplinary history
- Previous allegations or allegations involving similar conduct
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
- The impact on the parties
- Any other information deemed relevant by the Decision-maker(s)

The sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

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

A. **Student Sanctions**

The following are the usual sanctions that may be imposed upon students or organizations singly or in combination:

- **Warning:** A formal statement that the conduct was unacceptable and a warning that further violation of any College policy, procedure, or directive will result in more severe sanctions/responsive actions.
- **Required Counseling:** A mandate to meet with and engage in either College-sponsored or external counseling to better comprehend the misconduct and its effects.
- **Probation:** A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.
- **Suspension:** Termination of student status for a definite period of time not to exceed two years
and/or until specific criteria are met. Students under suspension are usually barred from entering college property or attending College-sponsored events until the suspension is lifted. Students who return from suspension are automatically placed on probation through the remainder of their tenure as a student at the College.

- **Expulsion**: Permanent termination of student status and revocation of rights to be on campus for any reason or to attend College-sponsored events.
- **Withholding Diploma**: The College may withhold a student’s diploma for a specified period of time and/or deny a student participation in commencement activities if the student has an allegation pending or as a sanction if the student is found responsible for an alleged violation.
- **Revocation of Degree**: The College reserves the right to revoke a degree previously awarded from the College for fraud, misrepresentation, and/or other violation of College policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- **Organizational Sanctions**: Deactivation, loss of recognition, loss of some or all privileges (including College registration) for a specified period of time.
- **Other Actions**: In addition to or in place of the above sanctions, the College may assign any other sanctions as deemed appropriate.

### B. Employee Sanctions/Responsive Actions

Responsive actions for an employee who has engaged in harassment, discrimination, and/or retaliation include:

- Warning – Verbal or Written
- Performance Improvement Plan/Management Process
- Enhanced supervision, observation, or review
- Required Counseling
- Required Training or Education
- Probation
- Denial of Pay Increase/Pay Grade
- Loss of Oversight or Supervisory Responsibility
- Demotion
- Transfer
- Reassignment
- Delay of tenure track progress
- Assignment to new supervisor
- Restriction of stipends, research, and/or professional development resources
- Suspension with pay
- Suspension without pay
- Termination
- Other Actions: In addition to or in place of the above sanctions/responsive actions, the College may assign any other responsive actions as deemed appropriate.
A.34. **Withdrawal or Resignation While Charges Pending**

**A. Students:**

If a student has an allegation pending for violation of the Policy on Equal Opportunity, Harassment, and Nondiscrimination, the College may place a hold on a student’s ability to graduate and/or to receive an official transcript/diploma.

Should a student decide to not participate in the resolution process, the process may proceed absent their participation, at the Title IX Coordinator’s sole discretion, to a reasonable resolution (however, in the case of a formal Title IX hearing, federal law requires that decision makers not consider previous testimony for any party that refuses to submit to questioning at the hearing).

If a student Respondent withdraws or is no longer enrolled as a student while charges are pending (including, but not limited to, unofficial withdrawals, academic suspensions, disciplinary suspensions, and other forms of withdrawal), the Title IX Coordinator may exercise discretion regarding the decision to end the resolution process (discretionary dismissal) or continue the resolution process remotely. If the process continues remotely, the student Respondent may not be permitted to return to the College unless and until all sanctions have been satisfied.

If the process is ended or the Respondent refuses to participate remotely in the ongoing process, the College will continue to address and remedy any systemic issues, variables that may have contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation. The student Respondent who withdraws or refuses participation while the process is pending may not return to the College. A hold will be placed on their ability to be readmitted. They may also be barred from College property and/or events.

**B. Employees:**

Should an employee Respondent resign with unresolved allegations pending, the resolution process ends, as the College no longer has disciplinary jurisdiction over the resigned employee.

However, the College will continue to address and remedy any systemic issues, variables that contributed to the alleged violation(s), and any ongoing effects of the alleged harassment or discrimination.

The employee who resigns with unresolved allegations pending is not eligible for rehire with the College or any campus of the College, and the records retained by the Title IX Coordinator will reflect that status.

College responses to future inquiries regarding employment references for that individual may include that the former employee resigned during a pending disciplinary matter.
A.35. **Appeals**

Any party may file a request for appeal (“Request for Appeal”), but it must be submitted in writing to the Title IX Coordinator within seven (7) calendar days of the delivery of the Notice of Outcome.

A single Appeal Decision-maker will Chair the appeal. No appeal Decision-maker will have been involved in the process previously, including any dismissal appeal that may have been heard earlier in the process.

The Request for Appeal will be forwarded to the Appeal Chair for consideration to determine if the request meets the grounds for appeal (a Review for Standing).

This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

A. **Grounds for Appeal**

Appeals are limited to the following grounds:

1) Procedural irregularity that affected the outcome of the matter;
2) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
3) The Title IX Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter.

If any of the grounds in the Request for Appeal do not meet the grounds in this Policy, that request will be denied by the Appeal Chair and the parties and their Advisors will be notified in writing of the denial and the rationale.

If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the Appeal Chair will notify the other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-maker(s).

The other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-maker(s) will be mailed, emailed, and/or provided a hard copy of the request with the approved grounds and then be given five (5) business days to submit a response to the portion of the appeal that was approved and involves them. All responses will be forwarded by the Chair to all parties for review and comment.

The non-appealing party (if any) may also choose to raise a new ground for appeal at this time. If so, that will be reviewed to determine if it meets the grounds in this Policy by the Appeal Chair and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal,
the Investigator(s) and/or original Decision-maker(s), as necessary, who will submit their responses in five (5) business days, which will be circulated for review and comment by all parties.

Neither party may submit any new requests for appeal after this time period. The Appeal Chair will collect any additional information needed and all documentation regarding the approved grounds and the subsequent responses, and the Chair will render a decision in no more than seven (7) business days, barring exigent circumstances. All decisions will be made using the preponderance of the evidence standard.

A Notice of Appeal Outcome will be sent to all parties simultaneously including the decision on each approved ground and rationale for each decision. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanctions that may result which the College is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent the College is permitted to share under state or federal law.

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official institutional records, or emailed to the parties’ College-issued email or otherwise approved account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

B. Sanctions Status During the Appeal

Any sanctions imposed as a result of the hearing are stayed during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above.

If any of the sanctions are to be implemented immediately post-hearing, but pre-appeal, then emergency removal procedures (detailed above) for a hearing on the justification for doing so must be permitted within 48 hours of implementation.

The College may still place holds on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal when the original sanctions included separation.

C. Appeal Considerations

- Decisions on appeal are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so.
- Appeals are not intended to provide for a full re-hearing (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.
- An appeal is not an opportunity for Appeal Decision-makers to substitute their judgment for that of the original Decision-maker(s) merely because they disagree with the finding and/or sanction(s).
- The Appeal Chair may consult with the Title IX Coordinator on questions of procedure or
rationale, for clarification, if needed. Documentation of all such consultation will be maintained.

- Appeals granted based on new evidence should normally be remanded to the original Investigator(s) and/or Decision-maker(s) for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or, in limited circumstances, decided on appeal.
- Once an appeal is decided, the outcome is final: further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new hearing).
- In rare cases where a procedural error cannot be cured by the original Decision-maker(s) (as in cases of bias), the appeal may order a new hearing with a new Decision-maker(s).
- If the appeal result is a remand to the original Investigator(s) and/or Decision-maker(s), the results of a new hearing can be appealed, once, on any of the three available appeal grounds.
- In cases in which the appeal results in reinstatement to the College or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

A.36. **Long-Term Remedies/Other Actions**

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the parties and/or the campus community that are intended to stop the harassment, discrimination, and/or retaliation, remedy the effects, and prevent reoccurrence.

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

- Referral to counseling and health services
- Referral for supportive services from Human Resources (employees)
- Education to the individual and/or the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification and/or training
- Implementation of long-term contact limitations between the parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, certain long-term support or measures may also be provided to the parties even if no policy violation is found.

When no policy violation is found, the Title IX Coordinator will address any remedies owed by the College to the Respondent to ensure no effective denial of educational access.

The College will maintain the privacy of any long-term remedies/actions/measures, provided privacy does not impair the College’s ability to provide these services.
A.37. **Failure to Comply with Sanctions and/or Interim and Long-term Remedies**

**and/or Responsive Actions**

All Respondents are expected to comply with the assigned sanctions, responsive actions, and/or corrective actions within the timeframe specified by the final Decision-maker(s) (including the Appeal Chair).

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

A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

A.38. **Recordkeeping**

The College will maintain for a period of at least seven years records of:

a. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;

b. Any disciplinary sanctions imposed on the Respondent;

c. Any remedies provided to the Complainant designed to restore or preserve equal access to the College’s education program or activity;

d. Any appeal and the result therefrom;

e. Any Informal Resolution and the result therefrom;

f. All materials used to train Title IX Coordinators, Investigators, Decision-makers, and any person who facilitates an Informal Resolution process. The College will make these training materials publicly available on the College website; and

g. Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, including:

1) The basis for all conclusions that the response was not deliberately indifferent;

2) Any measures designed to restore or preserve equal access to the College’s education program or activity; and

3) If no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

The College will also maintain any and all records in accordance with state and federal laws.
A.39. **Disabilities Accommodations in the Resolution Process**

The College is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the College resolution process.

Anyone needing such accommodations or support should contact the Dean of Student Care (if a student; currently Terry Charek, terry.charek@gordon.edu), or the Associate Vice President for Human Resource (if an employee; currently Chris Jones, chris.jones@gordon.edu), who will review the request and, in consultation with the person requesting the accommodation and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.

A.40. **Revision of this Policy and Procedures**

This Policy and procedures supersede any previous policy(ies) addressing harassment, sexual misconduct, discrimination, and/or retaliation under Title IX and will be reviewed and updated annually by the Title IX Coordinator. The College reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

During the resolution process, the Title IX Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules. The Title IX Coordinator may also vary procedures materially with notice (on the institutional website, with the appropriate effective date identified) upon determining that compliance with law or regulation requires policy or procedural alterations not reflected in this Policy and procedures.

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

This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such policies and codes, generally.

This Policy and procedures are effective August 14, 2020.
Section 3: Appendices

APPENDIX A: Title IX Resources

CONFIDENTIAL CAMPUS RESOURCES

Counseling Center
Location: Jenks 201 & 202
Phone: 978.867.4301
Hours: Monday-Thursday, 8:30 am – 4:30 pm; Friday, 8:30 am – 11:30 am After hours, counselors can be contacted by Gordon Police.

Appointments can be made using an online intake form via the Go Site: select “Departments,” then “Counseling,” and click on “Counseling Center Intake Registration Form.” The intake coordinator will contact you within 24 hours to schedule you for an appointment.

If you have been sexually assaulted or are unsure of whether you have been, you need a safe, confidential place to talk about what has occurred. When you are ready, the Gordon College Counseling Center provides free counseling to Gordon students by professional licensed counselors who are able to support you during this confusing and scary time. If you have been sexually assaulted, you may find yourself feeling alone, more fearful, unable to make it to class, having difficulty eating, or eating too much, not sleeping at all, or sleeping more than normal, feeling sad, crying, or feeling nothing at all.

Our counselors are here to help you, to listen to you, and support you in all aspects of being a victim of sexual assault. Individuals who have been sexually assaulted often blame themselves. The Counseling Center offers a place for you to process what has happened in a non-judgmental, supportive environment to determine what, if anything, you would like to do, and to help you begin to heal.

Chapel Office
Bob Whittet (Chaplain)
Location: A.J. Chapel
Phone: 978.867.4014

Health Center
Location: Lane Student Center, downstairs
Phone: 978.867.4300
Hours: Monday, Tuesday, Thursday, Friday, 9 a.m. to 4:30 p.m. and Wednesday 9 a.m. to 3 p.m.
After hours the Health Center staff can be contacted through Gordon Police.
Contact the Health Center to receive medical attention. All services are confidential and free. The Health Center Staff will encourage students to seek medical care as soon as possible after a rape/sexual assault and will support them through the process. Our contact point for this type of very specialized care is through the Beverly Hospital Emergency Department. We will call and alert them that a student is being referred and they will be prepared to spend whatever time it takes to evaluate and treat the student’s medical and emotional needs. They will offer the services of a trained crisis counselor from the North Shore Rape Crisis Center to explain each step of the process and to support the student until the evaluation is completed.

OTHER CAMPUS SUPPORT RESOURCES

**Gordon Police**
Location: Rodger Reception Center at the main entrance to campus
Phone: 978.867.4444 (non-emergency) or 978.867.3333 (emergency)
Hours: 24 hours a day, 7 days a week
The Gordon Police provides assistance to victims including addressing immediate safety concerns, providing emergency medical attention, investigating incidents of sexual misconduct, and filing a criminal complaint. They will also arrange for transportation to Beverly Hospital for medical attention.

**Office of Student Life**
Location: Lane Student Center, 2nd floor
Phone: 978.867.4072
Contact the Office of Student Life for help in contacting a Confidential Resource or a member of the Title IX Team

COMMUNITY RESOURCES

**EMERGENCY:** 911

**Wenham Police Department**
Emergency: 911
Business Phone: 978.468.4000
To make a criminal complaint regarding a rape or sexual assault (note: a criminal complaint can also be made by contacting the Gordon Police)

**North Shore Rape Crisis Center**
Phone: 1.800.922.8772
24-hour hotline for free and confidential care regarding a rape or sexual assault
APPENDIX B: A FRAMEWORK FOR INFORMAL RESOLUTION (IR)

The College has framed a process for IR that includes:

1) A response based on supportive measures; and/or
2) A response based on a Respondent accepting responsibility; and/or
3) A response based on alternative resolution, which could include various approaches and facilitation of dialogue.

Alternative resolution approaches like mediation, restorative practices, transformative justice, etc., are likely to be used more and more often by colleges and universities. The College does not endorse these approaches as better or worse than other formal or informal approaches.

The College believes that if they are to be used in, and are effective for, sex offenses, they need to be designed and executed carefully and thoughtfully and be facilitated by well-trained administrators who take the necessary time to prepare and lay a foundation for success. Although no approach is a panacea, the framework below can help to lay that foundation, regardless of which approach(es) are used.

Here are the principles to be considered for supporting various approaches to informal resolution:

- IR can be applied in any sex/gender-based interpersonal conflict but may not be appropriate or advisable in cases involving violent incidents (sexual violence, stalking, domestic and dating violence, severe sexual harassment, sexual exploitation, etc.).
- Situations involving dangerous patterns or significant ongoing threat to the community should not be resolved by IR.
- The determination of whether to permit an IR-based resolution is entirely at the discretion of the Title IX Coordinator (TIXC) and in line with the requirements for IR laid out in the Title IX regulations.
- Any party can end IR early-, mid-, or late-process for any reason or no reason.
- IR can be attempted before and in lieu of formal resolution as a diversion-based resolution (although a formal complaint must be filed if you are within Section 106.30, per OCR).
- Alternative approaches can inform formal resolution, as in a formal resolution model infused with restorative practices.
- IR could be deployed after formal resolution, as an adjunct healing/catharsis opportunity (that could potentially mitigate sanctions or be a form of sanction).
- Alternate Resolution approaches to IR must be facilitated by the College or a third-party. There may be value in creating clearly agreed-upon ground rules, which the parties must sign in advance and agree to abide by, otherwise the informal resolution process will be deemed to have failed.
- Technology-facilitated IR can be made available, should the parties not be able or willing to meet
• If IR fails, a formal resolution can take place thereafter. No evidence elicited within the “safe space” of the IR facilitation is later admissible in the formal resolution unless all parties consent.

• With cases involving violence, the preferred alternative approach typically involves a minimal number of essential parties and is not a wide restorative circle approach in order to ensure confidentiality.

• Some approaches require a reasonable gesture toward accountability (this could be more than an acknowledgement of harm) and some acceptance, or at least recognition, by the Respondent that catharsis is of value and likely the primary goal of the Complainant. A full admission by the Respondent is not a prerequisite. This willingness needs to be vetted carefully in advance by the TIXC before determining that an incident is amenable/appropriate for resolution by IR.

• IR can result in an accord or agreement between the parties (Complainant, Respondent, and the College), which is summarized in writing by and enforced by the College. This can be a primary goal of the process.

• IR can result in the voluntary imposition of safety measures, remedies, and/or agreed-upon resolutions by the parties, that are enforceable by the College. These can be part of the accord/agreement.

• As a secondary goal, IR can result in the voluntary acceptance of “sanctions,” meaning that a Respondent could agree to withdraw, self-suspend (by taking a leave of absence), or undertake other restrictions/transfers/online course options that would help to ensure the safety/educational access of the Complainant, in lieu of formal sanctions that would create a formal record for the Respondent. These are enforceable by the College as part of the accord/agreement, as may be terms of mutual release, non-disparagement, and/or non-disclosure.

• Although a non-disclosure agreement (NDA) could result from IR, it would have to be mutually agreed-upon by the parties in an environment of non-coercion verified by the TIXC.

• Institutions must develop clear rules for managing/facilitating the conference/meeting/dialogue of alternative resolution approaches, to ensure they are civil, age-appropriate, culturally-competent, reflective of power imbalances, and maximize the potential for the resolution process to result in catharsis, restoration, remedy, etc., for the harmed party(ies).
APPENDIX C: STATEMENT OF RIGHTS OF THE PARTIES

• The right to an equitable investigation and resolution of all credible allegations of prohibited harassment or discrimination made in good faith to College officials.

• The right to timely written notice of all alleged violations, including the identity of the parties involved (if known), the precise misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated policies and procedures, and possible sanctions.

• The right to timely written notice of any material adjustments to the allegations (e.g., additional incidents or allegations, additional Complainants, unsubstantiated allegations) and any attendant adjustments needed to clarify potentially implicated policy violations.

• The right to be informed in advance of any public release of information regarding the allegation(s) or underlying incident(s), whenever possible.

• The right not to have any personally identifiable information released to the public without consent provided, except to the extent permitted by law.

• The right to be treated with respect by College officials.

• The right to have College policies and procedures followed without material deviation.

• The right not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence.

• The right not to be discouraged by College officials from reporting sexual harassment, discrimination, and/or retaliation to both on-campus and off-campus authorities.

• The right to be informed by College officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option(s) to be assisted by College authorities in notifying such authorities, if the party so chooses. This also includes the right not to be pressured to report, as well.

• The right to have allegations of violations of this Policy responded to promptly and with sensitivity by College law enforcement and/or other College officials.

• The right to be informed of available interim actions and supportive measures, such as counseling; advocacy; health care; or other services, both on campus and in the community.

• The right to a College-implemented no-contact order or a no-trespass order against a non-affiliated third party when a person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct.

• The right to be informed of available assistance in changing academic, living, and/or working situations after an alleged incident of discrimination, harassment, and/or retaliation, if such changes are reasonably available. No formal report, or investigation, either campus or criminal, needs to occur before this option is available. Such actions may include, but are not limited to:
  o Relocating an on-campus student’s housing to a different on-campus location
  o Assistance from College staff in completing the relocation
  o Changing an employee’s work environment (e.g., reporting structure, office/workspace relocation)
Consideration of a change to a housing election including a possible adjustment to housing fees
- Exam, paper, and/or assignment rescheduling or adjustment
- Receiving an incomplete in, or a withdrawal from, a class (may be retroactive)
- Transferring class sections
- Temporary withdrawal/leave of absence (may be retroactive)
- Campus safety escorts
- Alternative course completion options.

- The right to have the College maintain such actions for as long as necessary and for supportive measures to remain private, provided privacy does not impair the College’s ability to provide the supportive measures.
- The right to receive sufficiently advanced, written notice of any meeting or interview involving the other party, when possible.
- The right to ask the Investigator(s) and Decision-maker(s) to identify and question relevant witnesses, including expert witnesses.
- The right to provide the Investigator(s)/Decision-maker(s) with a list of questions that, if deemed relevant by the Investigator(s)/Chair, may be asked of any party or witness.
- The right not to have irrelevant prior sexual history or character admitted as evidence.
- The right to know the relevant and directly related evidence obtained and to respond to that evidence.
- The right to fair opportunity to provide the Investigator(s) with their account of the alleged misconduct and have that account be on the record.
- The right to receive a copy of the investigation report, including all factual, policy, and/or credibility analyses performed, and all relevant and directly related evidence available and used to produce the investigation report, subject to the privacy limitations imposed by state and federal law, prior to the hearing, and the right to have at least ten (10) business days to review the report prior to the hearing.
- The right to respond to the investigation report, including comments providing any additional relevant evidence after the opportunity to review the investigation report, and to have that response on the record.
- The right to be informed of the names of all witnesses whose information will be used to make a finding, in advance of that finding, when relevant.
- The right to regular updates on the status of the investigation and/or resolution.
- The right to have reports of alleged Policy violations addressed by Investigators, Title IX Coordinators, and Decision-maker(s) who have received relevant annual training.
- The right to preservation of privacy, to the extent possible and permitted by law.
- The right to meetings, interviews, and/or hearings that are closed to the public.
- The right to petition that any College representative in the process be recused on the basis of disqualifying bias and/or conflict of interest.
• The right to have an Advisor of the party’s choice to accompany and assist the party in all meetings and/or interviews associated with the resolution process.

• The right to the use of the appropriate standard of evidence (preponderance of the evidence) to make a finding after an objective evaluation of all relevant evidence.

• The right to be present, including presence via remote technology, during all testimony given and evidence presented during any formal grievance hearing.

• The right to have an impact statement considered by the Decision-maker(s) following a determination of responsibility for any allegation, but prior to sanctioning.

• The right to be promptly informed in a written Notice of Outcome letter of the finding(s) and sanction(s) of the resolution process and a detailed rationale of the decision (including an explanation of how credibility was assessed), delivered simultaneously (without undue delay) to the parties.

• The right to be informed in writing of when a decision by the College is considered final and any changes to the sanction(s) that occur before the decision is finalized.

• The right to be informed of the opportunity to appeal the finding(s) and sanction(s) of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by the College.

• The right to a fundamentally fair resolution as defined in these procedures.
APPENDIX D: PROCESS B

- Process B is applicable when the Title IX Coordinator determines Process A is inapplicable, or offenses subject to Process A have been dismissed.
- If Process A is applicable, Process A must be applied in lieu of Process B.
- The College can substitute any alternative process instead of Process B, if desired.
- VAWA Section 304 requirements apply to Process B or any alternative process for reports that fall under VAWA.
- Title IX requirements outside of Section 106.30 (based on the original 1975 regulations, the 2001 Revised Guidance, etc.) may also be applicable to Process B.

INTERIM RESOLUTION PROCESS FOR ALLEGED VIOLATIONS OF THE POLICY ON SEXUAL MISCONDUCT (INCLUDING NONDISCRIMINATION AND HARASSMENT)

The College will act on any formal or informal allegation or notice of violation of the policy on Sexual Misconduct (including Nondiscrimination and Harassment) (“the Policy”) that is received by the Title IX Coordinator or a member of the administration, faculty, or other employee, with the exception of confidential resources, as articulated in the Policy above.

The procedures described below apply to all allegations of harassment or discrimination on the basis of sex involving students, staff, faculty members, or third parties.

These procedures may also be used to address collateral misconduct arising from the investigation of or occurring in conjunction with harassing or discriminatory conduct (e.g., vandalism, physical abuse of another). All other allegations of misconduct unrelated to incidents covered by this policy will be addressed through the procedures elaborated in the respective student, faculty, and staff handbooks.

B.1. Initial Assessment

Following intake, receipt of notice, or a complaint of an alleged violation of the College’s nondiscrimination Policy, the Title IX Coordinator engages in an initial assessment, which is typically one to five business days in duration. The steps in an initial assessment can include:

- The Title IX Coordinator reaches out to the Complainant to offer supportive measures.
- The Title IX Coordinator works with the Complainant to ensure they have an Advisor.

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12 All references herein to a Title IX Coordinator also include a designee of the Title IX Coordinator.
13 If circumstances require, the President or Title IX Coordinator will designate another person to oversee the process below should an allegation be made about the Coordinator or the Coordinator be otherwise unavailable or unable to fulfill their duties.
• The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive response or an Administrative Resolution.
  
  o If a supportive and remedial response is preferred, the Title IX Coordinator works with the Complainant to identify their wishes and then seeks to facilitate implementation. The Administrative Resolution process is not initiated, though the Complainant can elect to initiate it later, if desired.
  
  o If an Informal Resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for informal resolution, and may seek to determine if the Respondent is also willing to engage in Informal Resolution.
  
  o If Administrative Resolution is preferred, the Title IX Coordinator initiates the investigation process and determines whether the scope of the investigation will address:
    ▪ Incident, and/or
    ▪ A potential pattern of misconduct, and/or
    ▪ A culture/climate issue.

• In many cases, the Title IX Coordinator may determine that a threat and/or risk assessment (which may include an individualized safety and risk analysis) should be conducted as part of the initial assessment. This assessment can aid in a number of critical and/or required determinations, including:
  
  o Interim suspension of a Respondent who is a threat to health/safety;
  
  o Whether the Title IX Coordinator should pursue Administrative Resolution absent a willing/able Complainant;
  
  o Whether to put the investigation on the footing of incident and/or pattern and/or climate;
  
  o To help identify potentially predatory conduct;
  
  o To help assess/identify grooming behaviors;
  
  o Whether a Complaint is amenable to Informal Resolution;
  
  o Whether to permit a voluntary withdrawal by the Respondent;
  
  o Whether to communicate with a transfer College about a Respondent;
  
  o Assessment of appropriate sanctions/remedies;
  
  o Whether a Clery Act Timely Warning/Trespass order/Persona-non-grata is needed.

Based on the initial assessment, the College will initiate one of two responses:

• **Informal Resolution** – typically used for less serious offenses and only when all parties agree to Alternate Resolution, or when the Respondent is willing to accept responsibility for violating policy. This can also include a remedies-only response.

• **Administrative Resolution** – investigation of policy violation(s) and recommended finding, subject to a determination by the Title IX Coordinator and the opportunity to appeal to an Appeal Panel/Appeal Decision-maker.
The investigation and the subsequent Administrative Resolution determine whether the nondiscrimination policy has been violated. If so, the College will promptly implement effective remedies designed to end the discrimination, prevent recurrence, and address the effects.

The process followed considers the preference of the parties but is ultimately determined at the discretion of the Title IX Coordinator. At any point during the initial assessment or formal investigation, if the Title IX Coordinator determines that reasonable cause does not support the conclusion that policy has been violated, the process will end, and the parties will be notified.

The Complainant may request that the Title IX Coordinator review the reasonable cause determination and/or re-open the investigation. This decision lies in the sole discretion of the Title IX Coordinator, but the request is usually only granted in extraordinary circumstances.

B.2. Resolution Process Pool

The resolution processes rely on a pool of officials (“Pool”) to carry out the process. Members of the Pool are announced in an annual distribution of this Policy to all students and their parents/guardians, employees, prospective students, and prospective employees.

The list of members and a description of the Pool can be found in Section 7 above. Members of the Pool are trained annually in all aspects of the resolution process and can serve in any of the following roles, at the direction of the Title IX Coordinator:

- To provide sensitive intake for and initial advice pertaining to the allegations
- To act as optional process Advisors to the parties
- To facilitate Informal Resolution
- To investigate allegations
- To serve as a Decision-maker

The Title IX Coordinator carefully vets Pool members for potential conflicts of interest or disqualifying biases and appoints the Pool, which acts with independence and impartiality.

Pool members receive annual training organized by the Title IX Coordinator, including a review of College policies and procedures as well as applicable federal and state laws and regulations so that they are able to appropriately address allegations, provide accurate information to members of the community, protect safety, and promote accountability.

The Pool members receive annual training. This training includes, but is not limited to:

- The scope of the College’s Discrimination and Harassment Policy and Procedures
- How to conduct investigations and hearings that protect the safety of Complainants and Respondents and promote accountability
- Implicit bias
• Disparate treatment and impact
• Reporting, confidentiality, and privacy requirements
• Applicable laws, regulations, and federal regulatory guidance
• How to implement appropriate and situation-specific remedies
• How to investigate in a thorough, reliable, and impartial manner
• How to uphold fairness, equity, and due process
• How to weigh evidence
• How to conduct questioning
• How to assess credibility
• Impartiality and objectivity
• Types of evidence
• Deliberation
• How to render findings and generate clear, concise, evidence-based rationales
• The definitions of all offenses
• How to apply definitions used by the recipient with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy
• How to conduct an investigation and grievance process including hearings and informal resolution processes
• How to serve impartially, by avoiding prejudgment of the facts at issue, conflicts of interest, and bias
• Any technology to be use
• Issues of relevance of questions and evidence
• Issues of relevance to create an investigation report that fairly summarizes relevant evidence
• How to determine appropriate sanctions in reference to all forms of harassment and discrimination allegations

Specific training is also provided for Appeal Decision-makers, intake personnel, and Advisors.

See section 7 (above) for a list of current Pool members. Individuals who are interested in serving in the Pool are encouraged to contact the Title IX Coordinator.

B.3. Advisors

A. Expectations of an Advisor

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

The College may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.
Parties whose Advisors are disruptive or who do not abide by College policies and procedures may face the loss of that Advisor and/or possible Policy violations.

Advisors are expected to consult with their advisees without disrupting College meetings or interviews. Advisors do not represent parties in the process; their role is only to advise.

B. Expectations of the Parties with Respect to Advisors

Each party may choose an Advisor who is eligible and available to accompany them throughout the process. The Advisor can be anyone, including an attorney, but should not be someone who is also a witness in the process. A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout.

The parties are expected to inform the Investigators of the identity of their Advisor at least two (2) business days before the date of their first meeting with the Investigator(s) (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the Investigator(s) and/or the Title IX Coordinator if they change Advisors at any time.

Upon written request of a party, the College will copy the Advisor on all communications between the College and the party. The Advisor may be asked to sign a non-disclosure agreement (NDA) regarding private, sensitive records.

C. Assistance in Securing an Advisor

For representation, Respondents may wish to contact organizations such as:
- FACE (http://www.facecampusequality.org)
- SAVE (http://www.saveservices.org)

Complainants may wish to contact organizations such as:
- The Victim Rights Law Center (http://www.victimrights.org)
- The National Center for Victims of Crime (http://www.victimsofcrime.org), which maintains the Crime Victim’s Bar Association
- The Time’s Up Legal Defense Fund: https://nwlc.org/times-up-legal-defense-fund/}

B.4. Resolution Options

Proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accord with College Policy.

14 This could include an attorney, advocate, or support person. Witnesses are not entitled to Advisors within the process, though they can be advised externally.
15 “Available” means the party cannot insist on an Advisor who simply doesn’t have inclination, time, or availability. Also, the Advisor cannot have institutionally conflicting roles, such as being a Title IX administrator who has an active role in the matter, or a supervisor who must monitor and implement sanctions.
While there is an expectation of privacy around what is discussed during interviews, the parties have discretion to share their own experiences with others if they so choose, but are encouraged to discuss with their Advisors first before doing so.

A. Informal Resolution

Informal Resolution is applicable when the parties voluntarily agree to resolve the matter through Alternate Resolution, or when the Respondent accepts responsibility for violating Policy, or when the Title IX Coordinator can resolve the matter informally by providing remedies to resolve the situation.

It is not necessary to pursue Informal Resolution first in order to pursue Administrative Resolution, and any party participating in Informal Resolution can stop the process at any time and request the Administrative Resolution process. Further, if an Informal Resolution fails after the fact, Administrative Resolution may be pursued.

1. Alternate Resolution

Alternate Resolution is an informal process, such as mediation or restorative practices, by which the parties mutually agree to resolve an allegation. It may be used for less serious, yet inappropriate, behaviors and is encouraged as an alternative to the Administrative Resolution process (described below) to resolve conflicts. The parties must consent to the use of Alternate Resolution.

The Title IX Coordinator determines if Alternate Resolution is appropriate, based on the willingness of the parties, the nature of the conduct at issue, and the susceptibility of the conduct to Alternate Resolution.

In an Alternate Resolution meeting, a trained administrator facilitates a dialogue with the parties to an effective resolution, if possible. Institutionally-imposed sanctions are not possible as the result of an Alternate Resolution process, though the parties may agree to accept sanctions and/or appropriate remedies.

The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution can result in appropriate enforcement actions.

Alternate Resolution is not typically the primary resolution mechanism used to address reports of violent behavior of any kind or in other cases of serious violations of policy, though it may be made available after the Administrative Resolution process is completed should the parties and the Title IX Coordinator believe it could be beneficial. The results of Alternate Resolution are not appealable.
2. **Respondent Accepts Responsibility for Alleged Violations**

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent accepts responsibility, the Title IX Coordinator makes a determination that the individual is in violation of College Policy.

The Title IX Coordinator then determines appropriate sanction(s) or responsive actions, which are promptly implemented in order to effectively stop the harassment, discrimination, and/or retaliation; prevent its recurrence; and remedy the effects of the conduct, both on the Complainant and the community.

If the Respondent accepts responsibility for **all** of the alleged policy violations and the Title IX Coordinator or designee has determined appropriate sanction(s) or responsive actions, which are promptly implemented, the process is over. The Complainant will be informed of this outcome.

If the Respondent accepts responsibility for **some** of the alleged policy violations and the Title IX Coordinator has determined appropriate sanction(s) or responsive actions, which are promptly implemented, for those violations, then the remaining allegations will continue to be investigated and resolved. The Complainant will be informed of this outcome. The parties are still able to seek Alternate Resolution on the remaining allegations, subject to the stipulations above.

3. **Negotiated Resolution**

The Title IX Coordinator, with the consent of the parties, may negotiate and implement any agreement to resolve the allegations that satisfies all parties and the College.

**B. Administrative Resolution (Investigation and Determination)**

Administrative Resolution can be pursued for any behavior for which the Respondent has not accepted responsibility that constitutes conduct covered by the Equal Opportunity, Harassment, and Nondiscrimination Policy at any time during the process. Administrative Resolution starts with a thorough, reliable, and impartial investigation.

If Administrative Resolution is initiated, the Title IX Coordinator will provide written notification of the investigation to the parties at an appropriate time during the investigation. Typically, notice is given at least 48 hours in advance of an interview. Advanced notice facilitates the parties’ ability to identify and choose an Advisor, if any, to accompany them to the interview.

Notification will include a meaningful summary of the allegations, will be made in writing, and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official College records, or emailed to the parties’ College-issued or designated email account.

Once mailed, emailed, and/or received in-person, notice will be presumptively delivered. The notification should include the policies allegedly violated, if known at the time. Alternatively, the
policies allegedly violated can be provided at a later date, in writing, as the investigation progresses, and details become clearer.

The College aims to complete all investigations within a sixty (60) business day time period, which can be extended as necessary for appropriate cause by the Title IX Coordinator, with notice to the parties as appropriate.

Once the decision is made to commence an investigation, the Title IX Coordinator appoints Pool members to conduct the investigation (typically using a team of two Investigators), usually within two (2) days of determining that an investigation should proceed.

The Title IX Coordinator will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no conflicts of interest or disqualifying bias.

The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Investigator will be assigned and the impact of the bias or conflict, if any, will be remedied. If the bias or conflict relates to the Title IX Coordinator, concerns should be raised with Executive Vice President for Campus Life (Dan Tymann; dan.tymann@gordon.edu).

Investigations are completed expeditiously, normally within 60 business days, though some investigations take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

The College will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

The College may undertake a short delay in its investigation (several days to weeks, to allow evidence collection) when criminal charges based on the same behaviors that invoke the College’s resolution process are being investigated by law enforcement. The College will promptly resume its investigation and resolution process once notified by law enforcement that the initial evidence collection process is complete.

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

Investigations involve interviews with all relevant parties and witnesses, obtaining available, relevant evidence, and identifying sources of expert information, as necessary.
All parties have a full and fair opportunity, though the investigation process, to suggest witnesses and questions, to provide evidence, and to fully review and respond to all evidence, on the record.

B.5. Investigation

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

- Determine the identity and contact information of the Complainant
- In coordination with campus partners (e.g., the Title IX Coordinator), initiate or assist with any necessary supportive measures
- Identify all policies implicated by the alleged misconduct
- Assist the Title IX Coordinator with conducting an initial assessment to determine if there is reasonable cause to believe the Respondent has violated policy
- If there is insufficient evidence to support reasonable cause, the process is closed with no further action
- Commence a thorough, reliable, and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all parties and witnesses
- Meet with the Complainant to finalize their statement, if necessary
- Prepare the initial Notice of Investigation and Allegation (NOIA) on the basis of the initial assessment. Notice may be one step or multiple steps, depending on how the investigation unfolds, and potential policy violations may be added or dropped as more is learned. Investigators will update the NOIA accordingly and provide it to the parties.
- Notice should inform the parties of their right to have the assistance of an Advisor of their choosing present for all meetings attended by the advisee
- When formal notice is being given, it should provide the parties with a written description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result
- Give an instruction to the parties to preserve any evidence that is directly related to the allegations
- Provide the parties and witnesses with an opportunity to review and verify the Investigator’s summary notes from interviews and meetings with that specific party or witness
- Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible
- Interview all relevant individuals and conduct follow-up interviews as necessary
- Allow each party the opportunity to suggest questions they wish the Investigator(s) to ask of the other party and witnesses
- Complete the investigation promptly and without unreasonable deviation from the intended timeline
• Provide regular status updates to the parties throughout the investigation
• Prior to the conclusion of the investigation, summarize for the parties the list of witnesses whose information will be used to render a finding
• Write a comprehensive investigation report fully summarizing the investigation and all evidence
• Provide parties with a copy of the draft investigation report when it is completed, including all relevant evidence, analysis, credibility assessments, and recommended finding(s)
• Provide each party with a full and fair opportunity to respond to the report in writing within five (5) business days and incorporate that response into the report
• Investigators may choose to respond in writing in the report to the responses of the parties, and/or to share the responses between the parties for their responses, while also ensuring that they do not create a never-ending feedback loop
• Share the report with the Title IX Coordinator for review and feedback.
• Provide the final report to the Title IX Coordinator, including in the report a recommended finding, based on a preponderance of the evidence, whether a policy violation is more likely than not to have occurred.

B.6. **Determination**

Within two to three days of receiving the Investigator’s recommendation, the Title IX Coordinator or a trained, designated Decision-maker from the Pool\(^\text{16}\) reviews the report and all responses, and then makes the final determination on the basis of the preponderance of the evidence.

If the record is incomplete, the Title IX Coordinator/Decision-maker may direct a re-opening of the investigation, or may direct or conduct any additional inquiry necessary, including informally meeting with the parties or any witnesses, if needed.

The recommendation of the investigation should be strongly considered but is not binding on the Title IX Coordinator/Decision-Maker. The Title IX Coordinator or Decision-maker may invite and consider impact statements from the parties if and when determining appropriate sanction(s), if any.

The Title IX Coordinator then timely provides the parties with a written Notice of Outcome to include findings, any sanction(s), and a detailed rationale, delivered simultaneously (without undue delay) to the parties

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\(^\text{16}\) When the Title IX Coordinator is the Investigator or has been heavily involved in the process prior to determination, a Decision-maker should be designated from the Pool to ensure there is no conflict of interest.
B.7. **Additional Details of the Investigation Process**

A. **Witness responsibilities**

Witnesses (as distinguished from the parties) who are faculty or staff of the College are expected to cooperate with and participate in the College’s investigation and resolution process. Failure of a witness to cooperate with and/or participate in the investigation or resolution process constitutes a violation of Policy and may be subject to discipline.

B. **Remote processes**

Parties and witnesses may be interviewed remotely by phone, video conferencing, or similar technologies if the Investigator(s) or Decision-maker determine that timeliness or efficiency dictates a need for remote interviewing. Witnesses may also provide written statements in lieu of interviews, or respond to questions in writing, if deemed appropriate by the Investigator(s), though this approach is not ideal. Where remote technologies are used, the College makes reasonable efforts to ensure privacy, and that any technology does not work to the detriment of any party or subject them to unfairness.

C. **Recording**

No unauthorized audio or video recording of any kind is permitted during the resolution process. If Investigator(s) elect to audio and/or video record interviews, all involved parties must be made aware of and consent to audio and/or video recording.

D. **Evidence**

Any evidence that is relevant and credible may be considered, including an individual’s prior misconduct history as well as evidence indicating a pattern of misconduct. The process should exclude irrelevant or immaterial evidence and may disregard evidence lacking in credibility or that is improperly prejudicial.

E. **Sexual history/patterns**

Unless the Title IX Coordinator determines it is appropriate, the investigation and the finding do not consider: (1) incidents not directly related to the possible violation, unless they evidence a pattern; (2) the sexual history of the parties (though there may be a limited exception made with regard to the sexual history between the parties); or (3) the character of the parties.

F. **Previous allegations/violations**

While previous conduct violations by the Respondent are not generally admissible as information supporting the current allegation, the Investigator(s) may supply the Title IX Coordinator with information about previous good faith allegations and/or findings, when that information suggests potential pattern and/or predatory conduct.
Previous disciplinary action of any kind involving the Respondent may be considered in determining the appropriate sanction(s).

G. Character witnesses

Neither the Title IX Coordinator nor the Investigator(s) meet with character witnesses, but the Investigator(s) may accept up to two (2) letters supporting the character of each of the parties. Such letters must be provided to the Investigator(s) prior to the report being finalized; otherwise, the parties have waived their right to provide such letters.

H. Notification of outcome

If the Respondent admits to the violation(s), or is found in violation, the Title IX Coordinator, in consultation with other administrators as appropriate, determines sanction(s) and/or responsive actions, which are promptly implemented in order to effectively to stop the harassment, discrimination, and/or retaliation; prevent its recurrence; and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

The Title IX Coordinator informs the parties of the determination within two to three business days of the resolution, ideally simultaneously, but without significant time delay between notifications. Notifications are made in writing and may be delivered by one or more of the following methods: in person; mailed to the local or permanent address of the parties as indicated in official College records; or emailed to the parties’ College-issued or designated email account. Once mailed, emailed, and/or received in-person, notice is presumptively delivered.

The Notification of Outcome specifies the finding for each alleged policy violation, any sanction(s) that may result which the College is permitted to share pursuant to state or federal law, and the rationale supporting the essential findings to the extent the College is permitted to share under state or federal law.

The notice will detail when the determination is considered final and will detail any changes that are made prior to finalization.

Unless based on an acceptance of violation by the Respondent, the determination may be appealed by either party. The Notification of Outcome also includes the grounds on which the parties may appeal and the steps the parties may take to request an appeal of the findings. More information about the appeal procedures can be found below.

B.8. Sanctions

Factors considered when determining any sanction(s)/responsive action(s) may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation
- An individual’s disciplinary history
• Previous allegations or allegations involving similar conduct
• The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
• The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
• The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
• The impact on the parties
• Any other information deemed relevant by the Title IX Coordinator

The sanction(s) will be implemented as soon as is feasible. The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed by outside authorities.

A. Student Sanctions

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

• **Warning:** A formal statement that the behavior was unacceptable and a warning that further infractions of any College policy, procedure, or directive will result in more severe sanctions/responsive actions.
• **Probation:** A written reprimand for violation of College Policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any College policy, procedure or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.
• **Suspension:** Termination of student status for a definite period of time not to exceed two years, and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure as a student at Gordon College.
• **Expulsion:** Permanent termination of student status, revocation of rights to be on campus for any reason or attend College-sponsored events.
• **Withholding Diploma and/or Official Transcripts:** The College may withhold a student’s diploma and/or official transcripts for a specified period of time, and/or deny a student participation in commencement activities, if the student has an allegation pending, or as a sanction if the student is found responsible for an alleged violation.
• **Revocation of Degree:** The College reserves the right to revoke a degree previously awarded from the College for fraud, misrepresentation, or other violation of College policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
• **Organizational Sanctions:** Deactivation, loss of recognition, loss of some or all privileges (including College registration), for a specified period of time.
Other Actions: In addition to or in place of the above sanctions, the College may assign any other sanctions as deemed appropriate.

B. Employee Sanctions

Responsive actions for an employee who has engaged in harassment, discrimination, and/or retaliation include:

- Warning – Verbal or Written
- Performance Improvement/Management Process
- Required Counseling
- Required Training or Education
- Probation
- Loss of Annual Pay Increase
- Loss of Oversight or Supervisory Responsibility
- Demotion
- Suspension with pay
- Suspension without pay
- Termination
- Other Actions: In addition to or in place of the above sanctions, the College may assign any other sanctions as deemed appropriate.

B.9. Withdrawal or Resignation While Charges are Pending

The College may place a hold, bar access to an official transcript, and/or prohibit graduation as necessary to permit the resolution process to be completed.

Employees: Should an employee resign with unresolved allegations pending, the records of the Title IX Coordinator will reflect that status, and any College responses to future inquiries regarding employment references for that individual may include the former employee’s unresolved status.

B.10. Appeals

All requests for appeal consideration must be submitted in writing to the Title IX Coordinator within seven (7) calendar days of the delivery of the written finding of the Title IX Coordinator or Decision-maker. Any party may appeal the findings only under the grounds described below.

A single Appeal Decision-maker will Chair the appeal. No Appeal Decision-maker will have been involved in the process previously. Any party may appeal, but appeals are limited to the following grounds:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding
responsibility or dismissal was made, that could affect the outcome of the matter; and

- The Title IX Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter.

When any party requests an appeal, the Title IX Coordinator will share the appeal request with the other party(ies) or other appropriate persons such as the Investigator(s), who may file a response within five (5) business days. The other party may also bring their own appeal on separate grounds.

If new grounds are raised, the original appealing party will be permitted to submit a written response to these new grounds within five (5) business days. These responses or appeal requests will be shared with each party. The Appeal Chair will review the appeal request(s) within seven (7) business days of completing the pre-appeal exchange of materials. If grounds are not sufficient for an appeal, or the appeal is not timely, the appeal Chair dismisses the appeal.

When the appeal Chair finds that at least one of the grounds is met by at least one party, additional principles governing the review of appeals include the following:

- Decisions by the Appeal Chair are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is compelling justification to do so.
- Appeals are not intended to be full re-hearings (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the investigation and pertinent documentation regarding the grounds for appeal.
- An appeal is not an opportunity for the Appeal Chair to substitute their judgment for that of the original Investigator(s) or Decision-maker(s) merely because they disagree with the finding and/or sanction(s).
- Appeals granted based on new evidence should normally be remanded to the Investigator(s) for reconsideration. Other appeals should be remanded at the discretion of the Appeal Chair.
- Sanctions imposed as the result of Administrative Resolution are implemented immediately unless the Title IX Coordinator stays their implementation in extraordinary circumstances, pending the outcome of the appeal.
  - For students: Graduation, study abroad, internships/externships, etc., do NOT in and of themselves constitute exigent circumstances, and students may not be able to participate in those activities during their appeal.
- All parties will be informed in writing within seven (7) business days of the outcome of the appeal without significant time delay between notifications, and in accordance with the standards for Notice of Outcome as defined above.
- Once an appeal is decided, the outcome is final; further appeals are not permitted, even if a decision or sanction is changed on remand.
• In rare cases when a procedural error cannot be cured by the original Investigator(s) and/or Decision-maker(s) (as in cases of bias), the Appeal Chair may recommend a new investigation and/or Administrative Resolution process, including a new resolution administrator.

• The results of a new Administrative Resolution process can be appealed once, on any of the three applicable grounds for appeals.

• In cases in which the appeal results in Respondent’s reinstatement to the College or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

B.11. Long-Term Remedies/Actions

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator may implement long-term remedies or actions with respect to the parties and/or the campus community to stop the harassment, discrimination, and/or retaliation; remedy its effects; and prevent its reoccurrence.

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

• Referral to counseling and health services
• Referral for supportive services from Human Resources (employees)
• Education to the community
• Permanent alteration of housing assignments
• Permanent alteration of work arrangements for employees
• Provision of campus safety escorts
• Climate surveys
• Policy modification
• Implementation of long-term contact limitations between the parties
• Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, long-term remedies may also be provided to the Complainant even if no policy violation is found.

When no policy violation is found, the Title IX Coordinator will address any remedial requirements owed by the College to the Respondent.

B.12. Failure to Complete Sanctions/Comply with Interim and Long-term Remedies/Responsive Actions

All Respondents are expected to comply with conduct sanctions, responsive actions, and corrective actions within the timeframe specified by the Title IX Coordinator.

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal,
neglect, or any other reason, may result in additional sanction(s)/responsive/corrective action(s), including suspension, expulsion, and/or termination from the College.

A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

B.13. Recordkeeping

In implementing this policy, records of all allegations, investigations, resolutions, and hearings will be kept indefinitely, or as required by state or federal law or institutional policy, by the Title IX Coordinator in the Title IX case database.

B.14. Statement of the Rights of the Parties (see Appendix C)

B.15. Disabilities Accommodation in the Resolution Process

The College is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the resolution process at Gordon College. Anyone needing such accommodations or support should contact the Dean of Student Care (currently Terry Charek, terry.charek@gordon.edu), who will review the request and, in consultation with the person requesting the accommodation, and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.

B.16. Revision

These policies and procedures will be reviewed and updated annually by the Title IX Coordinator. The College reserves the right to make changes to this document as necessary and once those changes are posted online, they are in effect.

The Title IX Coordinator may make minor modifications to these procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules.

The Title IX Coordinator may also vary procedures materially with notice (on the College website, with the appropriate effective date identified) upon determining that compliance with law or regulation requires policy or procedural alterations not reflected in this policy and procedure.

Policy in effect at the time of the complaint will typically apply, even if the policy is changed subsequently but prior to resolution, unless the parties consent to be bound by the current policy.
If government regulations change in a way that impacts this document, this document will be construed to comply with the most recent government regulations.

This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such policies and codes, generally.

This policy and procedure was implemented in August, 2020; most recent revision was in October 2020.

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