



NON-DISCRIMINATION/HARASSMENT POLICY

*Effective: August 3, 2017
Subject to annual review*

Responsible Office Equity Compliance

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I. Policy Statement

Mount Ida College is committed to providing a campus environment free of discrimination and harassment. Mount Ida College prohibits discrimination or harassment against students, staff, faculty and third parties on the basis of race, color, national origin/ethnicity, sex (which includes pregnancy), sexual orientation, gender identity/expression, including transgender identity, religion, disability, age, genetics, active military or veteran status and any other characteristics protected under applicable federal or Massachusetts law, known as “*Protected Categories*.” Some of these state and federal laws include Title VII of the 1964 Civil Rights Act, and its state counterpart, M.G.L. c. 151B; Title VI of the 1964 Civil Rights Act; Title IX of the 1972 Education Amendments; the Americans with Disability



Act (ADA) and the ADA Amendments Acts (ADAAA); Section 503 and 504 of the Rehabilitation Act; and the Age Discrimination in Employment Act (ADEA). Mount Ida does not discriminate in a in its educational programs or activities, or in employment based on *Protected Categories*.

Questions or concerns about this Policy or the College's compliance with applicable laws should be reported to the Office of Equity Compliance. The Director of Equity Compliance, Sonia Jurado (sjurado@mountida.edu; 617-928-4024), serves as the College's Title IX and Section 504 coordinator, and may be found on the second floor of Shaw Hall.

Violations of this Policy are subject to disciplinary action through the [Resolution Process](#) found in this Policy. Depending on the nature of the violation, disciplinary sanctions for violations of this Policy may include denial of privileges, disciplinary probation, suspension and expulsion for students, and may include warnings (verbal or written), demotions, suspensions, and termination for employees.

Retaliation against anyone who makes a good faith report or complaint regarding a violation of this Policy, or who in any way participates in an inquiry or investigation of under this Policy is strictly prohibited. A person engaging in retaliatory conduct will be subject to disciplinary action by the College.

Mount Ida College reserves the right to make changes to this Policy as necessary. The most up-to-date version of this Policy that is currently in effect at the College can be found on the Equity Compliance website (www.mountida.edu/equitycompliance). If government regulations change in a way that impacts this Policy, this Policy will be construed to comply with government regulations in their most recent form.

II. Scope of Policy/ Jurisdiction

This Policy applies to all students¹, employees² and any other individuals who participate in the College's programs or activities or who are otherwise on campus. This Policy applies to conduct occurring on campus and to any and all off-campus Mount Ida College programs, activities or events (including, but not limited to any national or international College-sponsored or College-led trips). In addition, this Policy applies to conduct that may have occurred off-campus but that has an impact on the College community.

There may also be occasions where a non-affiliated person, or third party, is accused of prohibited discrimination or harassment against a member of the Mount Ida Community or while on campus.

¹ The term student means all persons who have expressed their intent to enroll at the College by paying their deposit and/or registered for classes, or otherwise entered into any other contractual relationship with the College to take instruction. This includes but is not limited to all individuals (1) taking classes in person or through distance learning whether on a part-time or full-time basis, pursuing undergraduate or graduate degrees, (2) who reside in College-sponsored housing or who live off campus, and (3) who are not enrolled for the current semester but who have a continuing relationship with the College. Student status ceases when an individual graduates, is not enrolled for two consecutive semesters, or an individual is suspended or dismissed for any reason

² "Employees" refers to anyone employed by the College including faculty and staff.



Under those circumstances, the College's ability to respond to the incident may be limited. While the College may have limited ability to take direct action against a non-affiliate, the College will strive to provide support resources and take steps to assist the victim (and to the extent applicable, the larger campus community).

III. Defining and Recognizing Prohibited Conduct

A. Discrimination

Discrimination occurs when someone (or a group) is treated unfairly, less favorably and/or deprived access, benefits or opportunities in education or employment based on membership in a *Protected Category*. *Protected Categories* include race, color, national origin/ethnicity, sex (which includes pregnancy), sexual orientation, gender identity/expression, including transgender identity, religion, disability, age, genetics, active military or veteran status and any other characteristics protected under applicable federal or state law. When individuals are excluded from participation, are treated differently, or are otherwise adversely affected in a term or condition of an individual's employment, education, living environment or participation in a College program or activity based on their membership in one of these categories, it constitutes discrimination.

Some examples of discrimination include:

- Not providing the same classroom materials and resources to a student based on their religion.
- Excluding an employee from meetings based on their race.
- Not allowing a student to go on a class field trip because they are pregnant.
- Not offering a job promotion to an employee based on their age.

B. Harassment

Harassment occurs when there is unwelcome or unwanted verbal or physical conduct directed at an individual based on their membership in a *Protected Category*. *Protected Categories* include race, color, national origin/ethnicity, sex (which includes pregnancy), sexual orientation, gender identity/expression, including transgender identity, religion, disability, age, genetics, active military or veteran status and any other characteristics protected under applicable federal or Massachusetts law.

Harassment can include offensive conduct such as jokes, slurs, epithets or name-calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, or other conduct that may be humiliating or that interferes with a person's education or work environment. Typically single, isolated incidents (unless extremely serious) will not be enough to rise to the level of harassment. The conduct is harassment when it begins to interfere with an individual's education or work environment or their participation in College programs or activities by creating an intimidating, hostile or offensive environment.

This conduct constitutes harassment when:



- submission to or rejection of unwelcome advances, requests or conduct is made either explicitly or implicitly a term or condition of one's education or employment or is a basis for education or employment decisions; or
- it is severe or pervasive, objectively offensive, and unreasonably interferes with an individual's ability to participate or benefit from education or work by creating an intimidating, hostile, humiliating or offensive educational or work environment.

Harassment based on a *Protected Category* can occur between or among students, staff, faculty and/or third parties. Harassment can occur between people of unequal power or between peers.

Some examples of harassment include:

- Making repeated insulting remarks and “jokes” to humiliate an individual because of their family comes from a different country. Intimidating this person with insults and excluding them from activities over a period of time which eventually makes it difficult for this individual to participate in the campus community.
- Repeatedly asking an individual out to dinner, whistling at them and making remarks about their appearance whenever they are around, to the point where the individual stops participating in certain campus activities to avoid contact with this person.

C. Retaliation

Retaliation is an adverse or negative action taken against an individual for reporting concerns about Discrimination or Harassment, participating in a disciplinary process or otherwise exercising their rights under this Policy. A retaliatory adverse action can include (but is not limited to):

- Hostility
- Intimidation
- Threats or verbal abuse
- Exclusion
- Different treatment
- Harassment

Retaliation against anyone who files a complaint of Discrimination or Harassment and/or who cooperates in an investigation into those behaviors is strictly prohibited. Any person – student, staff, or faculty - who retaliates against an individual for reporting Discrimination or Harassment and/or for participating in an investigation is subject to disciplinary action up to and including dismissal from the College or termination. The College has the discretion to address issues of retaliation through the [Resolution Process](#) in this Policy or through the student conduct process or human resources. The Director of Equity Compliance, Sonia Jurado (617-928-4024; sjurado@mountida.edu), in consultation with the Director of Community Standards and/or the Chief Human Resources Officer, will have the discretion to decide what process will be utilized to address incidents of retaliation on a case by case basis.



Examples of Retaliation include:

- A student who reported a possible violation by a professor is given a low grade by that professor for having made the report.
- An employee who was a witness in an investigation about another staff member receives a negative performance evaluation for having participated in that process.
- A student who reports another student for a possible violation is followed around and harassed by friends of the student who was reported.

IV. Reporting Options/ Support Resources

Mount Ida College provides employees and students with various options for reporting Discrimination and Harassment. Members of the College community are encouraged to come forward with information regarding violations of this Policy to any of the reporting options listed below. The College also offers support resources and interim remedial measures to individuals who may have experience or witnessed violations of this Policy or who may be going through the Resolution Process. Support resources and interim measures may include, but are not limited to, health and counseling services, no-contact orders, no trespass orders, interim suspensions/administrative leave, schedule and housing changes, academic support and/or work adjustments. These resources may be available even if a person chooses not to pursue a complaint or otherwise take action regarding the conduct.

A. Reporting/Support Options

There are a number of reporting options available to the Mount Ida community. These reporting options are not confidential which means that the College will be put on notice regarding this information. However, any information that is reported will be handled with privacy and discretion by the College. Only those administrators within the College who are responsible for addressing this conduct or who can assist with support resources will know about the disclosure. In most cases, the reporting party will have the option to decide whether to pursue any form of process regarding the incident they are reporting. However, once the College is on notice of the concern, it will strive to stop the conduct and prevent its recurrence on campus regardless of whether action is initiated. For incidents of Discrimination and Harassment, any disclosures will always be shared with the Director of Equity Compliance, Sonia Jurado (617-928-4024, sjurado@mountida.edu). Anyone who is not listed as a confidential resource should be considered to have the obligation to disclose information to the Director of Equity Compliance. For more information, see the section of this Policy regarding [Responsible Employees](#).

1. **Office of Equity Compliance**
Sonia Jurado, Director of Equity Compliance
617-928-4024
sjurado@mountida.edu
www.mountida.edu/equity-compliance



The Office of Equity Compliance is responsible for assisting students, faculty and staff with issues of Discrimination, Harassment and Sexual Misconduct. The Office can receive reports of such conduct and will provide information regarding support resources, including no contact orders, housing changes and academic support as applicable. The Office can also provide information about what options may be available for taking action, including the College's [Resolution Process](#) and any criminal and civil legal action. It is the responsibility of the Office of Equity Compliance to make inquiries into reports of Discrimination and Harassment on behalf of the College.

2. Online Reporting – EthicsPoint

(Anonymous reporting option)

844-310-3440

www.mountida.ethicspoint.com

To make reporting concerns about Discrimination and Harassment easier, Mount Ida College uses an independent third party company, EthicsPoint, to provide a confidential, online reporting options for members of our community. The EthicsPoint reporting portal also provides the option to submit reports anonymously. All reports submitted to EthicsPoint will be treated seriously and handled with discretion within the College. Reports made through this online reporting portal regarding Discrimination and Harassment will be forwarded to the Director of Equity Compliance, Sonia Jurado (sjurado@mountida.edu; 617-928-4024). Anyone filing a report through EthicsPoint will be assigned a report key and will be asked to create a password at the end of the process, both of which should be written down. Individuals who chose to report anonymously should use their report key and password to check on their report by returning to www.mountida.ethicspoint.com within 5 to 6 days. The EthicsPoint reporting portal allows the College to send information and ask questions of the anonymous reporter while maintaining their anonymity. Individuals who do not report anonymously can assume the College will follow up with them directly.

3. Mount Ida College Police Department

617-928-4777 (available 24/7)

www.mountida.edu/campus-life/campus-safety/campus-police

If you have concerns about your safety or the safety of others, you should call the Mount Ida College Police Department immediately. Concerns about Discrimination and Harassment can be reported to the College Police, although such behavior may not be considered criminal. College Police can conduct investigations into any behavior that maybe criminal. However, simply calling the College Police does not require you to file or pursue criminal charges. College Police can also provide transportation to the hospital or court if necessary (or can provide cab vouchers) and can help if you need immediate access to safe housing. College Police can issue no trespass orders and provide information about restraining orders and other orders of protections available through the courts. Reports of Discrimination and Harassment that are made to College Police will be shared with the Director of Equity Compliance, Sonia Jurado (617-928-4024, sjurado@mountida.edu).



4. Compliance Officers

The Compliance Officers include faculty and staff who have been trained regarding issues of Discrimination, Harassment and Sexual Misconduct. They are available to take reports from student, staff and faculty and can provide information regarding support resources, including no contact orders, housing changes and academic support. The Compliance Officer can also provide information regarding the options that may be available for taking action, including College's [Resolution Process](#) and any criminal and civil legal action. All information disclosed to an Officer will be shared with the Director of Equity Compliance, Sonia Jurado (617-928-4024, sjurado@mountida.edu).

<i>Name</i>	<i>Title</i>	<i>Contact Information</i>
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B. Responsible Employees

All employees of the College—including faculty and staff—are considered Responsible Employees who have a duty to report any incidents of Discrimination and Harassment to the College. Only employees in the [Center for Wellness Services](#) are relieved from this duty to report. Student employees are also Responsible Employees when they receive the information the course of their employment, including Resident Assistants (RAs), Orientation Ambassadors (OAs), Campus Center Building Managers, Resident Life Work Study Students, and Design Mentors.

A Responsible Employee who becomes aware of possible incident of Discrimination or Harassment must report all relevant details to the Director of Equity Compliance, Sonia Jurado (617-928-4024, sjurado@mountida.edu). The failure to properly report such incidents may result in disciplinary action up to and including termination for that employee. A Responsible Employee should not share information with law enforcement unless the disclosing individual wishes to have the police involved, except in situations where a disclosure is required by law or if necessary to address a safety concern. All Responsible Employees should disclose the extent of their reporting obligations to disclosing individuals and provide that individual with confidential reporting options [and information about support resources, to the best of their ability](#).

C. Confidential Reporting/Support Options

Certain professionals on campus and in the community have legally recognized privilege which requires them to keep information confidential when it is disclosed to them in the course of their professional role. This means that, except under limited circumstance, they must keep what their clients tell them secret. These individuals will maintain the confidentiality of those disclosure unless (i) they are given permission to share information by the person who disclosed the information; (ii) there is an imminent threat of harm to self or others; (iii) the conduct involves suspected abuse of a minor under the age of 18; or (iv) as otherwise required or permitted by law or court order. Confidential resources include medical care providers, mental health care providers, rape crisis counselors, ordained clergy and attorneys, all of whom have privileged confidentiality that is recognized by law.

Making a disclosure to a confidential resource means that the College will not be place on notice of the incident. Without that information, the College will not be able to address that incident in any manner. However, confidential on-campus resources can assist individuals in receiving support resources (such as counseling, housing changes and academic support) when requested and provide information about non-confidential [reporting options](#) if that person wishes to notify the College of the conduct.

1. For Students

[Center for Wellness Services](#)

617-928-4599

617-928-4699 (*after hours counselor-on-call*)

www.mountida.edu/campus-life/center-for-wellness/



The Center can provide confidential medical and counseling services to students during the academic year. Counseling Services are available for short-term, solution-focused counseling to all students and referrals for longer term counseling. Students who have experienced trauma often find counseling helps them understand, cope, and recover from its effects. After hours counseling support is also available over the phone. Medical treatment is also provided by the Center for Wellness Services for injuries or medical concerns. STD/STI screenings and pregnancy tests are available. Emergency contraception (EC) medication is also available at no cost to students. The Center for Wellness Services can provide cab vouchers to the local hospitals if necessary.

2. For Employees

Employee Assistance Program (EAP)

800-451-1834 (available 24/7)

www.allonehealthep.com

(*Username:* mountida; *Password:* employee)

The Employee Assistance Program (EAP) is available to all employees at no cost, through AllOne Health. The EAP provides an array of services to employees and their dependents and/or household members for personal or work-related issues, including up to three (3) short-term confidential counseling sessions and discounted legal consultation.

D. External Reporting Options/ Administrative Agencies

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

<http://www2.ed.gov/about/offices/list/ocr/index.html>

5 Post Office Square, 8th Floor

Boston, MA 02109

617-289-0111

Works to end gender-based discrimination and harassment in schools and investigates grievances.

2. Massachusetts Commission Against Discrimination (MCAD)

<http://www.mass.gov/mcad/>

John McCormack Building

One Ashburton Place

Sixth Floor, Room 601

Boston, MA 02108

617-994-6000

Works to end discrimination and harassment in Massachusetts and investigates grievances.



3. Equal Employment Opportunity Commission (EEOC)

www.eeoc.gov

JFK Federal Building
475 Government Center
Boston, MA 02203
800-669-4000

Works to end discrimination and harassment federally and investigates grievances.

E. Interim Restrictions

The College may use Interim Restrictions when alleged violations of this Policy are reported, such as interim suspensions/administrative leaves and no contact orders.

1. Interim Suspensions/Administrative Leave

The College reserves the right to issue an Interim Suspension (students) or Administrative Leave (employees), prior to the commencement or conclusion of a [Resolution Process](#) to (1) ensure the physical and emotional health, safety, or well-being of members of the College community; (2) prevent the disruption of, or interference with, the normal operations of the College; and/or (3) when such a restriction is deemed necessary by the College. The determination regarding when to issue an Interim Suspension to a student will be made by the Dean/Director-on-Call (DOC) at the time the College learns of the incident. The Chief Human Resource Officer will determine when such action will be taken regarding employees. Under most circumstances, the Interim Suspension/Administrative Leave will be issued in person with an explanation of the terms of the restrictions and an opportunity for the individual to ask questions. A Resolution Process will follow the issuance of an Interim Suspension or Administrative Leave, and the results of that process will determine if and when the student/employee will be allowed to return to campus. Under certain circumstances, an individual may be moved to a Modified Interim Suspension or Administrative Leave, which would allow a student to be on campus only to attend classes, or for an employee to come to campus for limited work related reasons, during the Resolution Process.

Within three (3) business days after the restriction is issued, except during break periods or holidays, the individual will speak with the Director of Equity Compliance, Sonia Jurado (617-928-4024; sjurado@mountida.edu) regarding the status of the pending Resolution Process associated with the Interim Suspension/Administrative Leave. After that meeting, the individual has the option to request a modification of the Interim Suspension/Administrative Leave. Any request for modification must be submitted in writing within 48 hours of that meeting, on the appropriate form, which can be obtained from the Director. An individual may submit a request for modification to the Director of Equity Compliance asking to either (1) have the Interim Suspension/Administrative Leave lifted or (2) have the Interim Suspension/Administrative Leave modified to allow the student to attend classes or an employee to be on campus for limited work related reasons.



With their request for modification, the individual should submit a brief written explanation regarding why the Interim Suspension should be lifted or modified. The request for modification may include any supporting documentation that the person believes is relevant. Please note that any information submitted in support of a request for modification will be made available to the Investigator in the Resolution Process. For students, the request for modification will be decided by the Dean-On-Call who issued the original Interim Suspension. For employees, the request for modification will be decided by the Chief Human Resources Officer (or designee). The request for modification will be decided within three (3) business days from the receipt of the submission. The request for modification will be decided through consideration of the written submission and any information available about the alleged conduct. The individual will be notified in writing about the decision on their request for modification. Once the request for modification has been decided, there is no further opportunity to contest the issuance of an Interim Suspension/Administrative Leave. However, the College reserves the right to modify or remove an Interim Suspension/Administrative Leave at any time as it deems necessary and/or appropriate.

2. No Contact Orders

A No Contact Order (NCO) restricts contact, interaction, and communication between two or more individuals, either directly or through others (e.g. friends, family members, attorneys, others, etc.). A NCO may also include restrictions regarding an individual's ability to access certain spaces on campus. When a [Resolution Process](#) is initiated (or is going to be initiated), a No Contact Order (NCO) can be put into place at the request of any of the complainant or respondent or when the College deems that a NCO is necessary.

When a No Contact Order (NCO) is issued, the individuals involved will receive written notification of the order and will meet with a Student Affairs administrator who will explain the terms of the order and answer any questions. A College administrator will then be assigned to help facilitate the terms of the NCO so the individuals involved may attend classes and use College facilities as appropriate. The goal is for the individuals involved in a NCO to be able continue their academic and social endeavors, to the extent possible, while still avoiding contact during the Resolution Process. Violations of the terms of a NCO may result in more serious Interim Restrictions being put into place, the initiation of a conduct process to address those violations, and/or information regarding that violation being taken into consideration in the any pending Resolution Process. A No Contact Order may be kept in place after the conclusion of the Resolution Process as a sanction or when deemed necessary by the Director of Equity Compliance, Sonia Jurado (617-928-4024; sjurado@mountida.edu).

For behavior that allegedly violate this Policy, a No Contact Order (NCO) may also be put into place without the initiation of a Resolution Process. More information regarding issuing NCOs outside of any disciplinary process can be obtained from Director of Equity Compliance, Sonia Jurado (sjurado@mountida.edu; 617-928-4024).



V. Resolution Process

When the College is notified of a possible violation of the Non-Discrimination/Harassment Policy, the Director of Equity Compliance will attempt to communicate with the victim or reporting party regarding that incident. The Director of Equity Compliance, Sonia Jurado (617-928-4024; sjurado@mountida.edu) will inform the victim of available support resources and interim measures, and will discuss the available options for addressing the conduct. This Resolution Process is the internal College disciplinary procedure that is available to students, staff, and faculty to address violations of this Policy within the Mount Ida Community. There is no time limitation for the submission of a complaint under this Resolution Process alleging a violation of the Non-Discrimination/Harassment Policy. A complaint may be filed at any time. If the College has [jurisdiction](#) over the accused as a current student or employee, then that complaint can be adjudicated through a Resolution Process.

Timing: Through this Resolution Process, the College strives to provide an adjudication process that is prompt, equitable, fair, thorough, and impartial towards all parties and witnesses involved. During the academic year, the goal is to complete the Resolution Process within 90 business days from the receipt of the complaint, not including any appeals. Depending on the complexity of the investigation, more or less time may be required to complete the process. The parties will be kept informed, in writing, regarding the progress of the process, and are welcome to contact the Director of Equity Compliance, Sonia Jurado (617-928-4024; sjurado@mountida.edu) at any time for information regarding the status of the complaint. It should be noted that, while complaints will be processed to the best of College's ability during break periods, including the summer and holidays, the availability of witnesses during these times can often require additional time for the completion of the process.

Parties: Within the Resolution Process, the individual who is bringing the complaint is called the *Complainant*. The person against whom the complaint has been brought is called the *Respondent*. The complainant and respondent are considered the *parties* to the complaint. Under certain circumstances (discussed in more details below), the College may initiate an Administrative Complaint against an individual under the Resolution Process. In that type of complaint, the College will act as the Complainant.

Support Person/Advisor: The College recognizes that going through the Resolution Process can be stressful for all involved. To help support the complainant and respondent through this process, they are allowed to have one support person or advisor of their choice present at every meeting within this resolution process. Witnesses are not allowed a support person or advisor. A support person/advisor is someone whom the complainant/respondent trusts to provide advice and support. A support person/advisor can be any person the complainant/respondent feels comfortable confiding in, and need not be affiliated with the College (e.g. a friend, a family member, a person from a support or advocacy agency, legal counsel, etc.). Within two business days prior to any meeting, a complainant/respondent must provide the Director of Equity Compliance, Sonia Jurado (sjurado@mountida.edu; 617-928-4024), with the identity and contact information (e-mail and telephone) of the support person/advisor who will be accompanying them to that meeting. The support person/advisor's role in any meeting is to observe the proceedings and support the



complainant/respondent, but not to participate. A support person/advisor does not join in any of the conversations that are the subject of that meeting, but instead provides support to the complainant/respondent solely through their presence. A support person/advisor is not allowed to communicate with the complainant/respondent during those meetings. If at any point a support person/advisor becomes disruptive or is otherwise unable to comport themselves within the parameters of the support person/advisor role, they will be asked to leave the meeting.

A. Informal Resolution Process

A complainant reporting an alleged violation(s) of the Non-Discrimination/Harassment Policy has the option to request an Informal Resolution Process, when appropriate. This Informal Resolution Process is available to students, staff, and faculty. If a party wishes to pursue an informal resolution, they would need to speak with the Director of Equity Compliance, Sonia Jurado (617-928-4024; sjurado@mountida.edu) who will review the details of the alleged violations. If the situation is deemed appropriate for the Informal Resolution Process, the Director of Equity Compliance will contact the respondent to discuss whether they would be willing to participate in this process. Entering into the Informal Resolution Process is voluntary, and both the complainant and respondent must agree to participate. If the parties agree to the Informal Resolution Process, the Director of Equity Compliance (or an assigned designee) will attempt to facilitate a resolution that is agreeable to both the complainant and the respondent. Informal methods of resolution may include, but are not limited to, interim measures, conflict resolution, mediation, counseling, training and/or educational projects. Any informal resolution must adequately address the concerns of the complainant and respondent, as well as the overall interest of the College in stopping, remedying, and preventing policy violations. Either party has the option to discontinue the informal process at any time, and may also request that the Formal Resolution Process be initiated. The College also has the discretion to terminate the Informal Resolution Process and initiate a formal investigation as deemed necessary. At the conclusion of the Informal Resolution Process, both the complainant and respondent will receive simultaneous written notice of the final outcome. A notice of final outcome in the Informal Resolution Process will be the final resolution of this matter and will preclude a party from later pursuing any other form of resolution regarding that same conduct.

B. Formal Resolution Process

A complainant reporting an alleged violation(s) of the Non-Discrimination/Harassment Policy may have the option to pursue a Formal Resolution Process. This formal process is initiated through the Office of Equity Compliance. A complainant wishing to pursue this process would need to speak with the Director of Equity Compliance, Sonia Jurado (617-928-4024; sjurado@mountida.edu) who will review the details of the alleged violations to determine if that behavior falls within the scope of this Policy. A complaint then may be initiated under the Formal Resolution Process as discussed below.

Employees and Students: This Formal Resolution Process is the same for students, staff and faculty, except in terms of how responsibility is determined and who assigns sanctions (as discussed below). Typically, when the respondent is a student, the student procedure will govern, and when the respondent is an employee, the employee procedure will govern. The Director of Equity Compliance,



Sonia Jurado (617-928-4024; sjurado@mountida.edu), at their discretion, will decide which procedure will govern. The complainant and respondent will be notified in the Notice of Complaint regarding which procedure will be used regarding their complaint.

1. Initiating a Complaint Under the Formal Resolution Process

The Formal Resolution Process may be initiated in two ways – through a complainant initiated complaint or through a College initiated administrative complaint.

a. Complainant Initiated Complaint

In order for an individual complainant to initiate the Formal Resolution Process against a respondent, they would need to speak with the Director of Equity Compliance, Sonia Jurado (617-928-4024; sjurado@mountida.edu). To initiate this process, the complainant would need to:

- i. Provide a statement, either written or oral, to the Director of Equity Compliance outlining the details of the incident(s), including the name of the respondent(s), the date and location of the incident(s) and any witnesses who may have information about the incident(s). The complainant should also identify any documents that may be available regarding the incident(s), including emails, text messages, journal entries or other social media posts.
- ii. Sign a Privacy/Non-Retaliation Acknowledgement, acknowledging that they have been advised about the prohibition against retaliation and that they have been advised about the importance maintaining discretion and privacy regarding the complaint to protect the integrity of the process.

b. College Initiated Administrative Complaint

The College has the option to independently initiate a disciplinary complaint against a student or employee under the Formal Resolution Process, called an Administrative Complaint. This type of complaint may be initiated in situations where an individual(s) is unable or uninterested in initiating the process or when the conduct is discovered by the College (rather than through a report). An Administrative Complaint may also be initiated when the conduct at issue poses a threat to campus safety (which includes but is not limited to the involvement of violence, the use of weapons, an ongoing threat, the involvement of a minors or repeat offenders/multiple victims) or when required by applicable law. The Director of Equity Compliance has the option to initiate an Administrative Complaint when sufficient information is available regarding the incident to provide the respondent with adequate notice of the complaint. To obtain sufficient information about the incident, the Director of Equity Compliance usually will need to obtain an account of the incident from the victim(s). In this type complaint, the College will act as the complainant and the complaint will follow the process outlined below. The victim(s) will be considered a witness in an Administrative Complaint and will be given the option to be as involved or as uninvolved as they wish. Despite being designated as a witness in an Administrative Complaint, the victim(s) will be given the option to review the



Investigative Report and will receive final written notification of the outcome of the process (as discussed below). Due to privacy considerations, reporting parties who are not victims will not be given the opportunity to review the report or receive a copy of the final written notification of the outcome, but maybe generally notified of the outcome of the process at the discretion of the Director of Equity Compliance, Sonia Jurado (617-928-4024; sjurado@mountida.edu).

2. Notice to the Respondent

After the complaint has been initiated, the Respondent will receive a written Notice of Complaint outlining the allegations raised and providing information about the Formal Resolution Process. In a complainant initiated process, the complainant will also receive a copy of that notice. The Respondent will then have the opportunity to meet with the Director of Equity Compliance, Sonia Jurado (617-928-4024; sjurado@mountida.edu) to review the Notice of Complaint and discuss the Formal Resolution Process. At this point in the process, the respondent has the option to accept responsibility for the conduct outlined in the Notice of Complaint. If the respondent accepts responsibility, the complaint would be referred to the Vice-President for Student Affairs (or their designee) for students or the Chief Human Resources Officer (or designee) for employees, who would issue the appropriate sanction. If the respondent choose to accept responsibility, such acceptance cannot be withdrawn.

If the respondent does not accept responsibility for the alleged conduct, then they have the option to provide a statement, either written or oral, to the Director of Equity Compliance outlining their response to the complaint. The respondent should also identify any witnesses who may have information about the incident(s) and any documents relevant to the incident(s), including emails, text messages, journal entries or other social media posts. The Respondent will also be asked to sign a Privacy/Non-Retaliation Acknowledgement, acknowledging that they have been advised about the prohibition against retaliation and that they have been advised about the importance maintaining discretion and privacy regarding the complaint to protect the integrity of the process. The process will then proceed to Investigation. If additional policy or code violations are identified during the course of the process, respondent will be notified of those issues in writing through an Amended Notice of Complaint, with a copy to the complainant.

If the respondent chooses not meet with the Director of Equity Compliance, they should understand that the disciplinary process will still continue to Investigation, which will be started without the benefit of their input. During the Investigation, the respondent will be given the opportunity to participate in an interview and to provide information to the Investigator regarding the allegations of the complaint. Similarly, if a respondent chooses not to cooperate with the Investigator or participate in the Investigation, the complaint will still be adjudicated without the benefit of input from the respondent. The Investigator will reach out to the respondent to schedule these meetings. If the respondent does not respond or attend a meeting with the Investigator within 10 business days after that initial contact, the respondent's opportunity to participate in the process will close. The respondent would have waived their right to be heard and to participate in the process by failing to response or attend a meeting with the Investigator.



3. Investigation

The Formal Resolution Process does not involve a hearing. Instead, the Director of Equity Compliance, Sonia Jurado (671-928-4024; sjurado@mountida.edu) (or designee), will act as the Investigator in this process, and will be responsible for gathering information regarding to the allegations raised. The complainant/respondent should inform the Investigator about what information they believe is relevant to the complaint and do their best to preserve any information they may have in their possession. The complainant/respondent should understand that it is best to provide the Investigator with all of the relevant information as early in the process as possible. However, the scope of the Investigation is not limited to information provided by the complainant/respondent nor to the allegations in the Notice of Complaint. In all cases, the Investigator will conduct a prompt, fair, and impartial investigation into the allegations raised, reviewing all information deemed to be relevant by the Investigator.

In order for the Investigation to be conducted in a timely manner, it is important that complainant/respondent and witnesses make themselves reasonably available to the Investigator, including over holidays and breaks. The complainant/respondent and witnesses should know that they have an obligation to cooperate with College officials, including the Investigator. The complainant/respondent and witnesses also have the obligation to be truthful with the Investigator, noting that Act of Dishonestly are prohibited in the Student and Faculty/Staff Handbooks. The refusal to cooperate with the Investigator or providing false information, may result in disciplinary action against the witness. In cases where a complainant or respondent refuse to cooperate with the Investigator, a finding on the complaint will still be made without the benefit of input from that party.

During the course of the investigation, the Investigator may utilize some or all of the following information or procedures, at their discretion, and in whatever order the Investigator deems most appropriate.

- a. Documents: The Investigator will review any statements provided by the complainant/respondent. At the beginning of the Investigation, the complainant/respondent should also identify all documents which they believe may be relevant to the complaint, including both paper and digital items, such as text messages, journal entries, e-mails and other social media communications. If they are not in possession of those documents, the complainant/respondent should identify who may have those materials. As determined by the Investigator, any documents or information deemed to be material to the complaint and that will be used in the Investigative Report will be disclosed to both complainant/respondent for comment or rebuttal during the course of the Investigation.

- b. Complainant/Respondent Interviews: The Investigator will interview the complainant and respondent separately. This meeting is an opportunity for the complainant/respondent to discuss their recollection of the event(s) in question, supplement any statements previously submitted, voice any concerns, and to work with the Investigator to determine what additional information may helpful in the Investigation of the allegations. The Investigator may interview the complainant/respondent more than once, as necessary.



During this interview, the Investigator will inform the complainant/respondent of the evidence gathered in the Investigation to date and will provide them with an opportunity to comment or respond to that information. If additional policy or code violations have been identified by Investigator during the course of the Investigation, the complainant/respondent will be notified of those issues in writing and will be given an opportunity to respond. The Investigator will reach out to the complainant/respondent to schedule these meetings. If the complainant/respondent does not respond or attend a meeting with the Investigator within 10 business days after that initial contact, the complainant/respondent's opportunity to participate in the process will close. The complainant/respondent waive their right to be heard and to participate in the process by failing to respond or meet with the Investigator.

c. Witnesses: The Investigator will interview any witnesses identified by the complainant/respondent that the Investigator deems to be relevant, at their discretion, to the resolution of the complaint. Please note that character witnesses are not considered relevant to this process. The complainant/respondent can both identify witnesses and can tell a person they have been identified as witnesses and that they may be contacted by the Investigator. However, the complainant/respondent should refrain from discussing any details of the complaint with witnesses in order to preserve the integrity of the Investigation. Witnesses should not be intimidated, threatened, or improperly influenced in any way by either the complainant or respondent or through others (e.g. friends, family members, attorneys, etc.). Any attempt to threaten, intimidate or the otherwise improperly influence the testimony of a witness may result in a separate disciplinary action by the College. The Investigator may also interview any other persons that they believe may have information relevant to this matter. The Investigator will employ best efforts to interview relevant witnesses who are no longer on campus or in the Boston area, attempting to contact them by phone or internet (i.e. Skype). Witnesses will be required to sign a Privacy/Non-Retaliation Acknowledgement, acknowledging that they have been advised about the prohibition against retaliation and that they have been advised about the importance maintaining discretion and privacy regarding the complaint to protect the integrity of the process and the privacy interests of the parties.

d. Expert Witnesses: The Investigator reserves the right, at their discretion, to consult with any experts which they deem necessary to the determination of the facts of this case. An expert witness could be consulted to review or provide a professional opinion regarding evidence discovered in the Investigation including, but not limited to, rape kits and toxicology reports.

4. Investigative Report and Review

Once the Investigation has been completed, the Investigator will prepare a report summarizing and analyzing the relevant facts obtained through the Investigation, noting any supporting documentation or statements. The Investigator may draw conclusions regarding the credibility of statements by the complainant, respondent, witnesses and the reliability of documentation. Once the report is complete, the Investigator will schedule separate times for the complainant and respondent to each review the



investigative report and any referenced supporting documentation. That report review will take place in the presence of the Investigator (or their designee). If the complainant or respondent are not responsive to the Investigator's attempt to schedule a report review for a period of more than seven (7) days, the Investigator can assume the complainant/respondent do not wish to review the report and the investigation will be closed.

If the complainant/respondent chose to review the Investigative Report, the Investigator will be available to provide a verbal summary of the report and answer questions. The complainant/respondent then have the option to provide written comments regarding the investigative report within five (5) business days of their review of that report. Only comments to the report that are submitted in writing will be considered in the process.

The Investigator will then review any submitted comments, and will determine, at their discretion, if and how the comments will be addressed. The Investigator has the option to prepare a written addendum to the report incorporating those comments deemed to be relevant to the resolution of the complaint, and to reference any information from the Investigation that may be relevant to that comment. If new information is provided in the comments that is relevant to the complaint, the Investigator has the discretion to engage in further investigation regarding that information. The parties should note that new information raised during the report review may prolong the conclusion of the Resolution Process. Based on the result of any additional investigation, the Investigator will have the option to prepare a written addendum to the report outlining those results and referencing any information from the original Investigation that may be relevant. If an addendum to the report is created, the complainant/respondent will be provided with separate times to each review it, but there will be no additional opportunity to provide comments. If the complainant/respondent are not responsive to the Investigator's attempt to schedule a review of the addendum for a period of more than ten (10) business days, the Investigator will assume the complainant/respondent do not wish to review that document. Once the addendum has been completed and the complainant/respondent have been notified of the opportunity to review it, the Investigation will be closed regardless of whether the complainant/respondent choose to review the addendum.

5. Determination of Responsibility and Assignment of Sanctions

As noted earlier, the procedures for determining responsibility and for assigning sanctions varies in complaints involving students versus complaints involving employees. Typically, when the respondent is a student, the student procedure will govern, and when the respondent is an employee, the employee procedure will govern. The Director of Equity Compliance, Sonia Jurado (617-928-4024; sjurado@mountida.edu), at their discretion, will decide which procedure will govern. The complainant and respondent will be notified in the Notice of Complaint regarding which procedure will be used regarding their complaint.

a. Respondent is a Student

Once the Investigation has closed, the Investigator will submit the Investigative Report, supporting documentation referenced in the report and the addendum, if any, to a panel of two people. This panel will consist of two College administrators from the group of Compliance Officers, all of whom



have been specially trained in the adjudication of Discrimination, Harassment and Sexual Misconduct matters. The two panel members will be chosen at the sole discretion of the Director of Equity Compliance, and their names will be communicated to the complainant and respondent during their review of the Investigative Report. If either the complainant or respondent believes there is a possible conflict of interest with any of the panel members, it should be communicated to the Director of Equity Compliance immediately. The Director of Equity Compliance then has the discretion to assign a different Compliance Officer to that panel. Once the Investigative Report has been submitted to the panel for consideration, there will be no further opportunity to raise potential conflicts of interest.

The panel will review the Investigative Report and determine whether they believe the respondent is responsible for violating policy. The decision of the panel will be made on the *preponderance of the evidence* standard -- that is whether the facts presented in the investigative report support a finding that it is more likely than not that College policy was violated. The panel will base its finding solely on the information presented in the Investigative Report, supporting documentation referenced in the report and the addendum, if any. The finding of the panel will be unanimous. If the panel is unable to reach a unanimous finding, the respondent will be found Not Responsible for violating policy.

If the respondent is found Not Responsible for violating College policy, the complainant and respondent will both be notified on the same day by the Assistant Vice-President for Student Affairs (or designee) in writing of the final outcome, the option to appeal and an explanation of when that outcome becomes final.

If the respondent is a student and is found Responsible for a violation of College policy, the matter will be referred to the Assistant Vice President for Student Affairs (or designee) who will assign the appropriate sanctions or remedies consistent with the sanctions assigned in other student conduct matters. Sanctions for a responsible finding may include denial of privileges, disciplinary probation, suspension and dismissal. Both the complainant and respondent will be notified on the same day, in writing, of the final outcome, the option to appeal and an explanation of when that outcome becomes final.

b. Respondent is an Employee

In situations where the respondent is an employee, the Investigative Report will also include a finding by the Investigator regarding whether the respondent is Responsible or Not Responsible for violating policy. The finding by the Investigator will be made on the *preponderance of the evidence* standard -- that is whether the facts presented in the Investigative Report support a finding that it is more likely than not that College policy was violated. That finding will be available to the complainant and respondent if they choose to review the Investigative Report. Once the Investigation has closed, the Investigator will submit the Investigative Report, supporting documentation referenced in the report and the addendum, if any, to the Chief Human Resources Officer.

If the respondent is found Not Responsible for violating policy, the complainant and respondent will both be notified on the same day by the Chief Human Resources Officer (or designee) in writing of the final outcome, the option to appeal and an explanation of when that outcome becomes final.



If respondent is found Responsible for violating policy, the Chief Human Resources Officer (or designee) in consultation with the respondent's supervisor, will assign the appropriate sanction or remedies. Sanctions for a responsible finding may include warnings (verbal or written), demotions, suspensions, and termination. Both the complainant and respondent will then be notified on the same day, in writing, of the final outcome, the option to appeal and an explanation of when that outcome becomes final.

6. Appeals

Both the complainant and respondent are entitled to one appeal of the final outcome to the complaint. An appeal must be submitted in writing to the Director of Equity Compliance, Sonia Jurado (617-928-4024; sjurado@mountida.edu) within five (5) business days of the receipt of the written final outcome. The individual who files an appeal is known as the *appellant*. The appellant must also complete an Appeal Form to be submitted with their appeal. That form can be obtained from the Director of Equity Compliance and must be submitted within two (2) days of receipt. If an appeal is not received within five (5) business days, the outcome will be considered final and the Formal Resolution Process will be permanently closed.

An appeal can only be submitted by the complainant or respondent. Appeals submitted by third parties (e.g. friends, family, attorneys) may not be considered.

There are only two grounds on which an appeal can be filed – procedural error and new information. The written appeal must specifically state under which of these two grounds the appeal is being filed. The appeal is not a new fact-finding process. Although a complainant/respondent may disagree with the finding, that alone is not a basis for appeal. Instead the appeal must set forth under which of the two grounds the appeal is filed and provide information to support one of the two basis. Appeals which do not comply with these requirements may not be considered, as decided by the Director of Equity Compliance (or designee). The non-appealing party will be given a copy of the appeal and will have an opportunity to respond to the assertions made by the appellant, in writing, within five (5) business days after receipt.

The two grounds for appeal are:

1. **Procedural Error:** The appellant alleges that (i) the procedural requirements of the Formal Resolution Process were not followed and (ii) that deviation from the process had an adverse impact on the outcome of the complaint against the appellant.
2. **New Information:** The appellant alleges that, subsequent to the issuing of the final outcome, new information became available which could have impacted the outcome of the disciplinary complaint. The appellant must: (i) present the new information; (ii) show why it was unavailable prior to the final outcome; and (iii) show that the new information could have altered the outcome of the complaint. If new information is presented, the appeal panel has the option to ask the Investigator to reopen the Investigation regarding that information.



The appeal will be decided by a panel of two people. This panel will consist of two College administrators (different from those who made the original finding) who come from the group of Compliance Officers, all of whom have been specially trained in the adjudication of Discrimination, Harassment and Sexual Misconduct matters. The two appeal panel members will be chosen at the sole discretion of the Director of Equity Compliance, Sonia Jurado (617-928-4024), and their names will be communicated to the complainant and respondent. If either the complainant or respondent believes there is a possible conflict of interest with any of the panel members, it should be communicated to the Director of Equity Compliance immediately. The Director of Equity Compliance then has the discretion to assign a different Compliance Officer to that panel. Once the appeal has been submitted to the panel for consideration, there will be no further opportunity to raise potential conflicts of interest.

In reviewing an appeal, the panel will be given the Notice of Complaint, the Investigative Report and any supporting documentation, the final outcome, the appeal submission and any response, and the results of any additional investigation. The panel has the option to *Dismiss* the appeal as untimely, failing to state a proper ground for appeal, or by finding that the requirements for the appeal grounds chosen have not been met. The panel also has the option to *Grant* the appeal. If the panel grants the appeal, in student cases the matter will be referred to the Vice-President for Student Affairs (or designee) who will decide whether to uphold or modify the final outcome on the complaint. In employee cases the matter will be referred to the Chief Human Resources Officer (or designee) who will decide whether to uphold or modify the final outcome on the complaint. The complainant/respondent would have been notified earlier in the Notice of Complaint regarding whether the employee or student processes were being used. Written notice of the outcome of the appeal will be sent to both parties on the same day. During the academic year, the College strives to complete the appeal process within 15 business days from the receipt of appeals. If additional investigation is required regarding new information, more time may be needed to complete the appeal.

C. Other Considerations

1. Leniency Regarding Other Offenses

The College recognizes that individuals may be concerned about reporting Discrimination and Harassment believing that other behavior they were engaged in might subject them to disciplinary action (e.g., underage drinking, individual use of drugs at the time of the incident). While the College does not condone any type of policy violation, when incidents of Discrimination and Harassment are reported, witnesses, complainants and respondents should be assured that the focus is always on the reported behavior, not on whether someone was, for example, using alcohol or drugs at the time. In situations involving allegations of Discrimination and/or Harassment, the College will, to the extent allowed by applicable laws and College policy, seek to make the allegations the focus of any investigation or disciplinary action. In such circumstances, the College may exercise leniency regarding other minor conduct violations (e.g., underage drinking, individual drug use). The decision regarding whether to exercise leniency will be made by the Director of Equity Compliance, Sonia Jurado (617-928-4024; sjurado@mountida.edu), in consultation with the Vice-President for Student Affairs (or designee) and/or the Chief Human Resources Officer (or designee).



2. Right to Investigate and Decide Other Conduct Violations

The Investigator has the discretion to pursue information regarding any other serious alleged violations of College Policy (e.g. drug dealing, incidents of sexual misconduct, use of weapons, other violent behavior or safety concerns) that may be identified through the Resolution Process. The Investigator will not be restricted to only investigating the violations alleged in the complaint, if other serious conduct violations are discovered in the course of the Investigation. When additional conduct concerns have been identified, the Director of Equity Compliance will consult with the Director of Community Standards for students or the Chief Human Resources Officer for employees, to decide if and how such allegations will be addressed. If this conduct will be addressed through the Resolution Process, the complainant and respondent will be notified through an Amended Notice of Complaint.

3. Family Notification

The College views employees and students of legal age as adults. As such, parent(s), guardian(s) and/or spouse(s) will not be notified when a disciplinary complaint is filed by or against a student or employee under the Resolution Process. Students and employees are encouraged to inform their family if they are involved in a disciplinary complaint. Parent(s), guardian(s) and/or spouse(s) with questions about a pending Discrimination and/or Harassment complaint should understand that information may only be shared consistent with the Family Educational Rights and Privacy Act (FERPA) and any other applicable laws. All communication regarding the Resolution Process will only be directed to the student or employee involved.