

Regis College Title IX Response & Grievance Process¹

1. INTRODUCTION

Consistent with its institutional mission and as required by Title IX of the Education Amendments of 1972 (“Title IX”) and its regulations (34 C.F.R. sec. 106.8(b)(1)), Regis does not discriminate on the basis of sex in its educational programs or activities, including admission and employment. Any inquiries about Title IX may be referred to the Regis College Title IX Coordinator or the U.S. Department of Education using the contact information below:

Regis College Title IX Coordinator

Adam Thrasher
Regis College
235 Wellesley Street
College Hall 201
Weston, MA 02493
781-768-7369
adam.thrasher@regiscollege.edu

U.S. Department of Education – Assistant Secretary for Civil Rights

U.S. Department of Education
Office for Civil Rights
400 Maryland Avenue, SW
Washington, D.C. 20202-1100
800-421-3481
202-453-6012 (fax)
800-877-8339 (TDD)
OCR.ed.gov

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

U.S. Department of Education
8th Floor
5 Post Office Square
Boston, MA 02109-3921
617-289-0111

¹ This Title IX Response and Grievance Process herein applies to reports allegations which occurred on or after August 14, 2020. For allegations occurring prior to August 14, 2020, the Regis College will generally apply the procedures in effect at the time of allegations, unless the Title IX Coordinator determines otherwise. The Title IX Coordinator will notify the Reporting Party and Respondent of the procedures that will apply prior the initiation of the relevant procedures.

617-289-0150 (fax)
OCR.Boston@ed.gov

Regis is committed to creating and maintaining a community where all individuals, including students, faculty, or staff, can work and learn together in an atmosphere free of all forms of harassment, exploitation, or intimidation. Consequently, Regis prohibits all forms of Sexual Harassment, including quid pro quo harassment, sexual assault, domestic or dating violence, stalking, gender-based violence, violence based on sexual orientation or gender identity or expression, and unwelcome conduct. Consistent with state and federal law, Regis will address all allegations of Sexual Harassment, including when reported anonymously, pursuant to the processes outlined below.

2. SCOPE

Upon receipt of a report of Sexual Harassment, Regis will provide supportive measures to the involved parties and, where appropriate, investigate according to the processes outlined below.

Received reports that do not fall within the scope of this Title IX Response & Grievance Process, such as reports of sex or gender discrimination that do not constitute Sexual Harassment, may be referred to alternative Regis College processes or offices (e.g., the Student Code of Conduct, Faculty Handbook, Human Resources processes).

The procedures detailed below apply to prospective, current, and former students and employees (faculty or staff). The Title IX Coordinator will manage the response to all reports and any subsequent investigation in concert with the Offices of Undergraduate and Graduate Student Affairs (reports involving students) and/or the Office of Human Resources (reports involving employees).

3. CONDUCT DEFINITIONS

- a. **Consent.** Consent is mutual permission between partners. To consent to something, such as a sexual act, means a person knowingly and willingly agrees to the act. A person cannot give consent if they are incapacitated by substances, if they are unconscious, or if they are asleep. An individual may be incapacitated by substances where, as result of using such substances, they are unable to act or function as they normally would (e.g., are unable to move or walk without assistance, are unable to control their body, or are unable to speak, listen, or communicate as they normally would).
- b. **Sexual Harassment.** Anyone may experience or commit Sexual Harassment without regard to sex, gender, gender identity, or sexual orientation, and these behaviors

can occur between people of the same or different genders or gender identities. Sexual Harassment is conduct on the basis of sex that involves any of the following:

- i. **Dating Violence.** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship shall be considered in determining the existence of a social relationship.
- ii. **Domestic Violence.** A crime of violence committed:
 1. By a current or former spouse or intimate partner;
 2. By a person with whom the victim shares a child in common;
 3. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner. The perpetrator and victim must be more than just roommates. The people cohabitating must be current or former spouses or have an intimate relationship;
 4. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
 5. By any other person against an adult or youth victim who is protected from that person's act under the domestic violence laws of the jurisdiction in which the crime occurred;
- iii. **Quid Pro Quo Harassment.** Where a Regis College employee, either expressly or impliedly, requires a person to participate in unwelcome sexual conduct in order for the person to receive an aid, benefit or service of Regis College. Quid pro quo harassment can occur whether or not the person acquiesces to the unwelcome conduct.
- iv. **Stalking.** Engaging in a course of conduct (two or more acts) 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.
- v. **Sexual Assault.** Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent. Sexual Assault includes the following:
 1. **Fondling.** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving

- consent because of their age or because of their temporary or permanent mental incapacity.
2. Incest. Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 3. Rape. The 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, or an object, without the consent of the victim. This offense includes the rape of both males and females.
 4. Statutory Rape. Sexual intercourse with a person who is under the statutory age of consent. In Massachusetts, the statutory age of consent is sixteen (16).
- vi. Unwelcome Conduct. Conduct on the basis of sex that is determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Regis' Educational Program or Activity. Unwelcome Conduct may include instances where an individual takes non-consensual sexual advantage of another individual ("Sexual Exploitation"). Examples of Sexual Exploitation include:
1. Sexual Exploitation by Recording: recording (whether by photograph, video, audio, or other means) an individual involved in sexual activity or in an intimate or private state of undress without their knowledge or consent. Consent to sexual activity does not equate to consent to the recording of sexual activity or the recording of an individual in an intimate or private state of undress.
 2. Digital, Electronic, or Media Based Sexual Exploitation: dissemination (whether by mail, e-mail, internet, social media web site, electronic, or any other means) of any recording of an individual involved in sexual activity or in an intimate or private state of undress without their knowledge or consent.
 3. Voyeurism: observation of an individual involved in sexual activity or in an intimate or private state of undress without their knowledge or consent.

4. PROCESS DEFINITIONS

- a. Decision Maker. The Decision Maker reviews the Relevant evidence and makes the Determination of Responsibility (see below). Depending on available staffing, the Decision Maker may or may not be the same individual as the Hearing Officer. If not the same individual, both the Hearing Officer and Decision Maker must be present during a hearing.

- b. **Directly Related.** Information is directly related to a Reporting Party's allegations of Sexual Harassment where it has some plausible connection to those allegations and may include information that indicates that a Respondent did or did not engage in prohibited conduct described in Section 3, Conduct Definitions. Information may be Directly Related even where Regis College does not rely upon it in making a Determination of Responsibility. Not all Directly Related information will necessarily be considered Relevant.
- c. **Educational Program or Activity.** Locations, events, or circumstances where Regis College exercises substantial control over a Respondent and the circumstances in which Sexual Harassment occurs, including buildings owned or controlled by recognized student organizations.
- d. **Hearing Advisor.** A Hearing Advisor asks questions of Reporting Party or Respondent and any witnesses during a hearing.
- e. **Hearing Officer.** The Hearing Officer manages the hearing process (see below) and makes determinations regarding Relevance. Depending on available staffing, the Hearing Officer may or may not be the same individual as the Decision Maker. If not the same individual, both the Hearing Officer and Decision Maker must be present during a hearing.
- f. **Relevant or Relevance.** Information is relevant if 1) it has any tendency to make a fact more or less probable than it would be without the information and 2) the fact is of consequence in the matter. Information is not relevant where:
 - i. Related to the Reporting Party's sexual disposition or prior sexual behavior, unless:
 - 1. Offered to prove that someone other than the Respondent committed the alleged conduct, or
 - 2. Related to Reporting Party's prior sexual behavior with respect to Respondent and is offered to prove consent.
 - ii. Protected by a legally recognized privilege. Regis College will not require, allow, rely upon, or otherwise use questions or information that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.
 - iii. Derived from a party's medical, psychological, or similar records, unless that party has provided prior written consent.
 - iv. It is duplicative or repetitive.
- g. **Reporting Party.** A person alleging that another committed Sexual Harassment against them. May also be referred to as a "party" or "parties".

- h. Respondent. A person who has allegedly committed Sexual Harassment. May also be referred to as a “party” or “parties”.

5. RECOMMENDED ACTION

If a member of the Regis community is involved in an incident of Sexual Harassment, particularly an incident involving physical harm or threats of physical harm, they may wish to consider the following course of action:

- a. Get to a safe place as soon as possible.
- b. Call someone they trust for help or support. See “Support Resources” below.
- c. Consider taking steps to preserve evidence. If the incident occurred within five (5) days, it is best not to shower, bathe, or change clothes—even if Reporting Party did any of these things, evidence can still be collected. If Reporting Party has changed clothes, they should bring the clothes they were wearing during the assault to the hospital.
- d. Get Medical Attention. Regis will facilitate access to medical treatment, including Regis College Health Services where appropriate, and will facilitate transportation from the Regis campus to a hospital or health professional for medical treatment. Individuals seeking such transportation should contact the Regis College Police Department (College Hall 102, 781-768-7111). In emergency circumstances, an ambulance will be called. If the circumstances are not emergent, a taxi or similar service may be used. Even if there is no obvious sign of physical injury, internal injuries are possible. Early testing and treatment for sexually transmitted infections (STIs) and possible pregnancy can prevent further problems.
- e. Seek Counseling. It is often helpful for involved parties to seek counseling. The crisis intervention and counseling services provided by Regis (see below) are available to all members of the Regis community. Additionally, there are many resources in the community that are available.

6. SUPPORT RESOURCES

Resource Name	Location	Contact	Phone	Email/Web Address
Regis College Police Department	College Hall 102		781.768.7111 or 781.768.7777	safety@regiscollege.edu
Title IX Coordinator	College Hall 201	Adam Thrasher	781.768.7369	adam.thrasher@regiscollege.edu
Deputy Title IX Coordinator /	Lower Student	Bridget Buoniconti	781.768.7508	bridget.buoniconti@regiscollege.edu

Office of Residence Life	Center 123			
Dean of Student Affairs	Upper Student Center 213	Walter Horner	781.768.7029	walter.horner@regiscollege.edu
Associate Vice President of Human Resources	St. Joseph Hall 233	Joan Sullivan	781.768.7212	joan.sullivan@regiscollege.edu
Guardian (Regis' third-party operated hotline system; reports may be filed here anonymously)				https://regiscollege.guardianconduct.com/incident-reporting

ON-CAMPUS CONFIDENTIAL RESOURCES

Center for Health and Wellness	Maria Hall Lower Level	Tammi Magazzu	781.768.7290	tammi.magazzu@regiscollege.edu
Regis Counseling Services	Maria Hall Lower Level	Kathryn Klickstein	781.790.7290	kathryn.klickstein@regiscollege.edu
Center for Ministry and Service	St. Joseph Hall Suite 4	Father Paul Kilroy	781.768.7027	paul.kilroy@regiscollege.edu

OFF-CAMPUS RESOURCES (*denotes confidential resources)

Resource Name	Location	Phone/Website	Services Provided
ReachMA*	Waltham, MA	781.891.0724 (general support) 800.899.4000 (hotline); www.reachma.org	24 hour hotline; ongoing support for survivors of dating and domestic violence
Boston Area Rape Crisis Center*	Boston, MA	800.841.8371; www.barcc.org	24 hour hotline; ongoing support for survivors of rape
Newton-Wellesley Hospital Domestic Violence/Sexual Assault Program*	Newton, MA	617.243.6521; www.nwh.org , click here for Domestic and Sexual Violence Services; 2014 Washington Street, Newton, MA 02462	Medical treatment; access to Sexual Assault Nurse Examiner (SANE) Nurse; pregnancy and Sexually Transmitted Infection (STI) testing;
Weston Police Department	Weston, MA	617.339.6720; www.weston.org/1507/Police-Department	Assistance in pursuing legally enforced restraining or protective orders and criminal action

Massachusetts State Police (Weston barracks)	Weston, MA	781.431.5050; www.mass.gov/orgs/massachusetts-state-police	Assistance in pursuing legally enforced restraining or protective orders and criminal action
AllOne Health Resources Employee Assistance Program*	n/a	800.451.1834; click here	Support for employees and their household members including free confidential counseling, (both in person and telephonic counseling); support, legal/financial and work-life consultation, 24 hours a day. See Human Resources Benefits page in Regis Resources.

7. REPORTING

Regis seeks to create an environment that encourages the reporting of Sexual Harassment, gender discrimination, and other concerning conduct on the basis of sex, sexual orientation, or gender identity. Reporting Parties or others with information about an incident may report incidents to Regis College Police, Weston Police, Massachusetts State Police, the Office of Student Affairs, the Associate Vice President of Human Resources, the Deputy Title IX Coordinator, or the Title IX Coordinator.

Reporting Parties may submit reports anonymously using Guardian, Regis’ third-party operated reporting system (<https://regiscollege.guardianconduct.com/incident-reporting>) . Regis may be limited, however, in its ability to respond to reports submitted anonymously.

Reporting parties may utilize this Regis College Title IX Response and Grievance Process concurrently with any external civil or criminal process.

a. Criminal Reporting

Reporting Parties may decide whether or not to file a criminal report with Regis Campus Police or local law enforcement. Reporting an incident to the police does not commit a Reporting Party to further legal action or participation in any criminal proceeding. Should a Reporting Party choose to file a report, they will be asked to provide as much detail as possible. The earlier an incident is reported, the easier it will be for the police to investigate the crime and prosecute the case successfully. If desired, Regis personnel will assist Reporting Parties in contacting police to file a report.

Individuals seeking to have restraining orders or orders of protection enforced on the Regis campus should notify either the Regis College Police Department (781-768-7111, safety@regiscollege.edu) or the Title IX Coordinator (781-768-7369,

adam.thrasher@regiscollege.edu). Regis will assist in the enforcement of any lawfully issued restraining orders or orders of protection.

b. Disclosure of Reports

In order to respond to reports, provide support to Reporting Party and Respondent, comply with legal responsibilities, and keep track of trends within the community, the Regis official who receives a report will refer it to other Regis administrators on a limited need-to-know basis. Depending on the circumstances, the following administrators will be informed of a report: Title IX Coordinator, Deputy Title IX Coordinator, Dean of Students, Associate Vice President of Human Resources, Chief of Regis College Police Department. Regis will not disclose the identity of Reporting Party or Respondent except as set forth in this Title IX Response and Grievance Process, as otherwise necessary to carry out the disciplinary process, or as permitted under state or federal law.

Campus security authorities, including the Title IX Coordinator, who receive a report of sexual assault, dating violence, domestic violence, or stalking will notify the Regis College Police Department of the incident, but will not include personally identifying information without Reporting Party's consent. The purposes of this notification are to determine whether the greater Regis community should be warned about a crime that represents a threat to students and employees or a potentially dangerous situation and to collect crime statistics. Consistent with federal law, Regis will assess whether a timely warning or emergency notification is required, which, in limited circumstances, may result in the release of Reporting Party's identity. The Regis College Police Department will investigate all received reports, but investigation may be limited where a Reporting Party has decided not to report their personally identifying information.

The Title IX Coordinator will inform the Associate Vice President of Diversity and Inclusion/ Chief Diversity Office of the nature of the report, but will not include any personally identifiable information. The purpose of this report is to track reporting trends and campus climate concerns within the Regis community.

8. RETALIATION PROHIBITED

Regis prohibits retaliation against any person involved in a report of Sexual Harassment, gender discrimination, or other concerning conduct on the basis of sex, sexual orientation, or gender identity or against any person participating in the Title IX investigation or hearing in any manner. Retaliation may include threats, intimidation, coercion, reprisals, and/or adverse actions related to employment or education. Individuals engaging in retaliation may be subject to disciplinary action under the student conduct process (students) or Human Resources processes (faculty and staff).

9. STUDENT CONDUCT AMNESTY (STUDENTS)

Regis does not want a student's use of drugs or alcohol to discourage them from reporting an incident of Sexual Harassment, gender discrimination, or other concerning conduct based on sex, sexual orientation, or gender identity. As a result, Regis will grant student conduct amnesty to students involved in a reported incident for their personal use of prohibited or illegal drugs or alcohol in connection with that incident. In other words, Regis will not pursue student conduct sanctions for a student's own use of prohibited or illegal drugs or alcohol occurring in the context of a reported incident. Regis will not provide this amnesty, and will pursue student conduct sanctions, for students who provide drugs or alcohol to another individual in a prohibited or illegal manner.

Beyond alcohol or drug use, Regis will not pursue student conduct sanctions against a student involved in a report of Sexual Harassment unless the report was not made in good faith or the student's conduct placed the health and safety of another person at risk.

10. RESPONSE TO REPORTS & SUPPORTIVE MEASURES

Regis College will respond to all reports of Sexual Harassment, gender discrimination, and other concerning conduct based on sex, sexual orientation, or gender identity. Regis will make appropriate supportive measures reasonably available to both Reporting Party and Respondent to maintain or restore their participation in the Regis community. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

Supportive measures may promote safety, protect Regis' education environment, and/or deter further Sexual Harassment or other concerning conduct based on sex, sexual orientation, or gender identity. Supportive measures are not punitive in nature and may not unreasonably burden a party involved in a report. Examples of supportive measures include, but are not limited to: new residential housing assignments; academic leaves of absence or withdrawals; changes to a working arrangement; Regis College Police escorts; parking privileges; Regis-issued no-contact orders; and class schedule modifications. Further, Regis will assist in the enforcement of any lawfully issued restraining orders or orders of protection.

Supportive measures are available to Reporting Parties and Respondents whether or not a Formal Complaint (see below) has been submitted. Supportive measures are available to Reporting Parties and Respondents regardless of where the alleged conduct occurred, or whether or not it occurred outside of Regis' programs or activities. Requests for supportive measures should be communicated to the Title IX Coordinator (781-768-7369, adam.thrasher@regiscollege.edu).

In order to provide certain supportive measures, Regis may need to disclose a Reporting Party's and/or Respondent's identity to certain Regis staff. Such disclosure will be made on a strict need-to-know basis.

11. EMERGENCY REMOVAL

Regis College may remove a Respondent from its Educational Program or Activity (or any portion thereof) if the following conditions are satisfied:

1. Regis officials conduct an individualized safety/risk analysis of Respondent and the specific circumstances;
2. That analysis indicates there is an immediate threat to the physical health or physical safety of one or more individuals;
3. The threat specifically arises out of the allegations of Sexual Harassment or other concerning conduct based on sex, sexual orientation, or gender identity.

If an Emergency Removal is needed, Respondent will receive written notice including the specific facts relied upon for the removal. Upon receipt of this notice, Respondent must vacate the indicated Regis College Educational Program or Activities, property, or portion thereof. After vacating, Respondent may immediately challenge the Emergency Removal by submitting the reasons for the challenge in writing to the Title IX Coordinator within five (5) business days of the removal. An Emergency Removal may be overturned if Respondent provides specific facts indicating that the removal decision was incorrect. The Title IX Coordinator will review the challenge and provide a decision within five (5) business days of receiving the challenge.

12. ADMINISTRATIVE LEAVE (EMPLOYEES)

Following a Formal Complaint, Regis College may place a non-student employee Respondent on administrative leave pending an investigation, hearing, and/or Determination of Responsibility according to standard Human Resources practice.

13. FORMAL COMPLAINTS

Reporting Parties who seek a full investigation of a report of Sexual Harassment may submit a Formal Complaint. A Formal Complaint is the beginning of an investigation process that seeks to gather evidence Directly Related to a Reporting Party's allegations of Sexual Harassment.

A Formal Complaint is a document submitted by a Reporting Party who is a current, former, or prospective student or employee who is participating in or attempting to participate in a Regis College Educational Program or Activity and which alleges that a Respondent committed Sexual Harassment. When a Formal Complaint is filed, Reporting Party and Respondent will be notified of each other's identity; the conduct alleged; the date, time and location, if known, of the

alleged conduct; the standards (see Conduct Definitions above) allegedly violated; and the alleged conduct which violated those standards.

Supportive measures (see above) are available to Reporting Parties and Respondents whether a Formal Complaint is submitted or not.

Upon receiving an initial report, the Title IX Coordinator will notify a Reporting Party about how to submit a Formal Complaint. A Reporting Party may submit a Formal Complaint to the Title IX Coordinator using the contact information or address above. In order to verify the identity of the Reporting Party submitting a Formal Complaint, any electronic submission must occur via Regis College e-mail or using a Regis College platform (e.g., Office 365, OneDrive). The Title IX Coordinator may also submit a Formal Complaint, even if the person alleged to be the victim does not wish to file a Formal Complaint or participate in the investigation and hearing process.

Regis College must dismiss Formal Complaints in the following circumstances:

1. The alleged conduct would not satisfy the definition of Sexual Harassment even if proved.
2. The alleged conduct did not occur within the scope of a Regis College Educational Program or Activity.
3. The alleged conduct did not occur against a person in the United States.

Regis College may dismiss Formal Complaints in the following circumstances:

1. Reporting Party seeks to withdraw their Formal Complaint.
2. Respondent is no longer enrolled as a student at Regis College or employed by Regis College.
3. Circumstances prevent Regis College from gathering sufficient evidence to reach a determination.

A Reporting Party or Respondent may appeal the dismissal of a Formal Complaint according to the process below (see Appeals).

Formal Complaints that are dismissed may be investigated through an alternative process – for example, the Student Code of Conduct, the Employee Grievance Procedure, the Employee Policy on Discrimination.

14. INVESTIGATION AND HEARING ACCOMMODATIONS

Regis will work with individuals to provide reasonable accommodations, modifications, or auxiliary aids and services that will facilitate their participation in the investigation and hearing process (e.g., translation, sign language interpretation). Individuals seeking accommodations should notify the Title IX Coordinator as soon as possible. The Title IX Coordinator may consult with the Office of Student Disability and Accessibility Services or Human Resources in order to

implement reasonable accommodations – this consultation may require the disclosure of the individual’s identity.

15. INVESTIGATION OF FORMAL COMPLAINTS

All investigators, Hearing Officers, and Decision Makers shall be impartial and will receive not less than annual training on issues relating to Sexual Harassment, investigatory procedures, and hearing procedures to protect the safety and rights of students and employees and promote accountability.

The assignment of the investigator(s) is in the sole discretion of the Title IX Coordinator or designee and will be selected from a pool of impartial and trained individuals. Investigators may be either employees of Regis College or external to Regis College.

The Title IX Coordinator will provide the name(s) of the investigators to Reporting Party and Respondent in writing. Reporting Party and Respondent will then have three (3) business days to inform the Title IX Coordinator or their designee in writing if they have any valid reason to think that the named investigators cannot serve impartially due to bias or conflict of interest. The Title IX Coordinator or their designee will review the stated reasons and will determine whether a different investigator(s) should be assigned. The determination of the Title IX Coordinator or their designee as to the ability of an investigator to participate in the investigation is final.

Regis College is ultimately responsible for gathering evidence and for proving whether or not a Respondent is found responsible for committing a violation. Respondents are presumed to be not responsible until the conclusion of the grievance process.

a. Fact Gathering

Regis seeks to gather information Directly Related to allegations of Sexual Harassment by conducting interviews of Reporting Party, Respondent, and witnesses, by reviewing available documentation, files or media, or by other reasonable means. The fact gathering process will be completed within twenty (20) business days of when the Respondent is notified of the Formal Complaint. The completion of the fact gathering process may be delayed due to good cause. The Title IX Coordinator will notify Reporting Party and Respondent in writing of any such delay.

A Reporting Party’s or Respondent’s participation in the investigation of a Formal Complaint is voluntary. If a Reporting Party or Respondent chooses not to participate, that decision will not be used against them, but the investigation will proceed and a Determination of Responsibility may be made.

Reporting Party and Respondent will have an equal opportunity to provide information and to suggest witnesses Directly Related to the allegations of Sexual Harassment (whether in support of or against a finding of responsibility), and will be provided a copy of this Title IX Response and Grievance Process.

Reporting Parties, Respondents, or witnesses who knowingly make false statements regarding matters Directly Related or Relevant to reported allegations of Sexual Harassment may be referred to alternative Regis College processes or offices (e.g., the Student Code of Conduct, Human Resources, Faculty Handbook).

b. Advisors

Reporting Party and Respondent will have the same opportunity to have an advisor of their choice present during any grievance procedure, including any related meetings or interviews. Advisors may or may not be an attorney and are permitted during meetings or interviews for the sole purpose of providing support to Reporting Party or Respondent. During an interview, the advisor may not offer any information, respond to any question, or ask any question.

An advisor's role is limited to the functions stated above without regard to the relationship between the advisor and a Reporting Party or Respondent or the status of an advisor outside the investigation and hearing process. The Title IX Coordinator and/or investigators will communicate with the Reporting Party or Respondent and their advisor if they have one. Regis places no limits on a Reporting Party's or Respondent's ability to communicate with their advisor for the purpose of facilitating their participation in the investigation and hearing. Meetings and proceedings may not be significantly delayed on the basis of the availability of an advisor.

During a hearing, advisors play a different role (see below).

c. Access to Information & Investigation Report

The Title IX Coordinator will provide Reporting Party and Respondent and their advisors with equal access to the information gathered during the investigation (e.g., notes from interviews, gathered documents, or media) that is Directly Related to the allegations. Reporting Party and Respondent will have ten (10) business days to review and, if desired, provide a written response to the Directly Related information.

At the conclusion of that period, the Title IX Coordinator or their designee will prepare an Investigation Report that fairly summarizes all information Relevant to the allegations and will provide Reporting Party and Respondent and their advisors or Hearing Advisors (see below) with access to that report. Once issued, Reporting Party and Respondent will have ten (10) business days to review and respond in writing to the Investigation Report prior to the hearing.

If Reporting Party or Respondent submits a written response to the Investigation Report, it will be provided to the other party prior to the hearing.

Access to gathered information and the Investigation Report is allowed for the limited purpose of facilitating a Reporting Party's or Respondent's participation in the investigation. Regis strictly prohibits sharing these documents with others in a manner meant to intimidate, threaten, coerce, or retaliate against others for the purpose of interfering with their rights under the Title IX Response and Grievance Process.

16. HEARINGS

The purpose of a hearing is to provide an opportunity for Reporting Party and Respondent to pose questions, and follow up questions, to each other and to Relevant witnesses. All questions must be asked through Reporting Party's or Respondent's Hearing Advisor – at no point may a Reporting Party or Respondent directly ask a question to the individual being questioned.

Hearings may occur in person or, upon the request of a party or at the discretion of Regis, remotely via appropriate technology.

Neither Reporting Party nor Respondent may offer or introduce new documents or witnesses not previously included in the investigation, during the hearing. If new documents or witnesses arise between the completion of the Investigation Report and the hearing date which are Directly Related to the Reporting Party's allegations, a Reporting Party or Respondent must submit them to the Title IX Coordinator who may re-initiate the investigation and update the Investigation Report as needed. In such case, the hearing date will be rescheduled or delayed to accommodate additional investigation.

Hearings will be recorded by audio or audiovisual means. The Hearing Officer will provide the hearing recording to both Reporting Party and Respondent after the hearing.

Both parties will continue to have access to collected information during the hearing.

a. Hearing Officer

The Hearing Officer manages the overall hearing process and may or may not be a Regis College employee. The Decision Maker, if not also acting as the Hearing Officer, will be present during the hearing. The Hearing Officer may pose questions and follow up questions to Reporting Party, Respondent, and any witnesses during a hearing.

b. Prior to Hearing

i. Pre-Hearing Meeting

Prior to the hearing date, the Hearing Officer may call a pre-hearing meeting with the Reporting Party, Respondent, each of their Hearing Advisors, and the Title IX Coordinator. The purpose of this meeting is to review the definition of Relevant and to review hearing process in general, including the role of the Hearing Advisor, the questioning procedure, and conduct expectations.

ii. Review of Hearing Officer

The Title IX Coordinator will provide the name(s) of the Hearing Officer and Decision Maker to Reporting Party and Respondent in writing. Reporting Party and Respondent will then have three (3) business days to inform the Title IX Coordinator in writing if they have any valid reason to think that the named Hearing Officer or Decision Maker cannot serve impartially due to bias or conflict of interest. The Title IX Coordinator will review the stated reasons and will determine whether a different Hearing Officer or Decision Maker should be assigned. The determination of the Title IX Coordinator as to the ability of Hearing Officer or Decision Maker to participate in the investigation is final.

iii. Intent to Participate

At least ten (10) business days prior to the scheduled hearing, Reporting Party and Respondent must each notify the Title IX Coordinator and Hearing Officer of their intention to participate in the hearing. This notification facilitates scheduling and management of the hearing. Reporting Party or Respondent can change their decision regarding participation at any time.

iv. Selection of Hearing Advisor

At least ten (10) business days prior to the scheduled hearing date, Reporting Party and Respondent must inform the Title IX Coordinator and Hearing Officer of the identity and contact information of their Hearing Advisor or provide notice that they have not selected a Hearing Advisor. This notification allows the Title IX Coordinator to provide the Investigation Report to the Hearing Advisor and allows Regis to obtain a Hearing Advisor for a Reporting Party or Respondent if needed. The Title IX Coordinator or Hearing Officer will inform Reporting Party and Respondent of the identity of the other party's Hearing Advisor.

v. Opening Statements

Reporting Party and Respondent may each prepare an opening statement to be read by Reporting Party or Respondent at the hearing. The purpose of an opening statement is to summarize a Reporting Party or Respondent position based on the Relevant facts summarized in the Investigation Report. If a Reporting Party or Respondent chooses to prepare an opening statement, it must be provided to the Hearing Officer at least ten (10) business days prior to the

hearing date. The Hearing Officer will review the statement solely for the purpose of making Relevance determinations, at least five (5) business days prior to the hearing.

vi. Witnesses

Reporting Party and Respondent must each notify the Title IX Coordinator and Hearing Officer of the name and contact information for the Relevant witnesses they intend to question during the hearing, if any, at least ten (10) business days prior to the hearing date. This notification allows the Title IX Coordinator or Hearing Officer to inform a witness of the hearing and the hearing process. The Hearing Officer may also identify Relevant witnesses whom the Hearing Officer intends to question during the hearing. Upon receiving witness lists from Reporting Party and Respondent, the Hearing Officer will provide Reporting Party and Respondent a complete list of witnesses to be questioned during the hearing.

vii. Anticipated Questions

Reporting Party and Respondent are encouraged to submit in writing to the Hearing Officer the questions they anticipate asking during the hearing at least five (5) business days prior to the hearing date. The purpose of this submission is to allow the Hearing Officer to evaluate the Relevance of questions in advance.

c. Hearing Participation

An individual (Reporting Party, Respondent, or witness) may choose whether or not to be present at a hearing or to answer questions during a hearing. To the extent permitted by law, if an individual is not present at a hearing or does not answer questions during a hearing, the Decision Maker may nevertheless rely on any Relevant statements made by that individual in making a Determination of Reliability. In arriving at a Determination of Responsibility, the Decision Maker cannot draw an adverse inference about a Reporting Party, Respondent, or witnesses based solely on their absence from the hearing or refusal to answer questions or follow up questions.

d. Hearing Advisors

A Hearing Advisor asks questions of Reporting Party or Respondent and any witnesses during a hearing. Both Reporting Party and Respondent may select a Hearing Advisor of their choice. If a Reporting Party or Respondent does not have a Hearing Advisor, Regis will provide a Hearing Advisor at no cost. A Hearing Advisor's role is limited to the functions described within this Title IX Response and Grievance Process.

A hearing will not occur unless both Reporting Party and Respondent have a Hearing Advisor present.

e. Hearing Process

Hearings will proceed according to the following steps:

- i. Hearing Officer begins the recording after notifying all individuals present.
- ii. Hearing Officer summarizes allegation(s) and procedural steps of the investigation.
- iii. Hearing Officer reviews the questioning procedure, see below.
- iv. Reporting Party reads their opening statement, where applicable.
- v. Respondent reads their opening statement, where applicable.
- vi. Questioning of Reporting Party, if participating in questioning.
 1. Hearing Officer poses questions and follow up questions.
 2. Respondent's Hearing Advisor poses questions and follow up questions.
 3. Reporting Party's Hearing Advisor poses questions and follow up questions.
- vii. Questioning of Respondent, if participating in questioning.
 1. Hearing Officer poses questions and follow up questions.
 2. Reporting Party's Hearing Advisor poses questions and follow up questions.
 3. Respondent's Hearing Advisor poses questions and follow up questions
- viii. Questioning of witnesses, if participating.
 1. Hearing Officer poses questions and follow up questions.
 2. Reporting Party's Hearing Advisor poses questions and follow up questions.
 3. Respondent's Hearing Advisor poses questions and follow up questions.
- ix. Hearing Officer concludes the hearing, informs parties of next steps, and stops the recording.

f. Hearing Advisor Questioning Procedure

Questioning by a Hearing Advisor, including follow up questioning, will occur according to the following steps:

- i. A Hearing Advisor will ask a question of Reporting Party, Respondent, or witness.
- ii. Reporting Party, Respondent, or witness will not answer the question until:
 1. Informed by the Hearing Officer that they may answer, or
 2. The Hearing Officer determines that the question is not Relevant, see below, and the Reporting Party, Respondent, or witness may not answer.

The time period for each Hearing Advisor to ask questions of a Reporting Party, Respondent, or witness is limited to 45 minutes each. If a Reporting Party or Respondent can show good cause (see below), the Hearing Officer may permit one (1) 15 minute extension.

g. Relevance Determinations

The Hearing Officer will allow only Relevant questions during a hearing.

If the Hearing Officer determines that a question is not Relevant during a hearing, they will provide a brief explanation of that determination. A Reporting Party or Respondent, through their Hearing Advisor, may object to this determination solely for the purposes of Appeal (see below), but the Hearing Officer's determination will stand. A Reporting Party or Respondent, through their Hearing Advisor, may object to a question posed by the Hearing Officer, on the basis of Relevance only, solely for the purposes of appeal (see below).

h. Hearing Conduct

Reporting Party, Respondent, witnesses, and Hearing Advisors must conduct themselves in a respectful and non-abusive manner throughout the hearing. The Hearing Officer has the discretion to issue a warning to any Reporting Party, Respondent, Hearing Advisor, or witness and/or to terminate a hearing at any time with or without a prior warning where any individual fails to conduct themselves in a respectful and non-abusive manner. In such case, the hearing will be rescheduled and continued at a later date. The Hearing Officer has the discretion to require that a Reporting Party or Respondent obtain, or that Regis provide, a new Hearing Advisor for a continued hearing.

When making a Determination of Responsibility, the Decision Maker may not consider a Reporting Party's, Respondent's, or Hearing Advisor's, failure to maintain themselves in a respectful, non-abusive manner during a hearing.

i. Interrupting, Delaying, or Rescheduling a Hearing

Reporting Party or Respondent may request that a hearing, including a hearing in progress, be delayed or rescheduled for good cause. All requests must be made in writing to the Title IX Coordinator and Hearing Officer or raised during a hearing in progress.

Regis will evaluate requests that a hearing be interrupted, delayed, or rescheduled against the need to proceed expeditiously and the need to treat Reporting Party and Respondent equally and fairly in the process.

Regis may, at its own discretion, delay or reschedule a hearing, including a hearing in progress, for good cause. Regis will inform all parties in writing of the delay or rescheduled hearing and the reason for the delay.

17. DETERMINATION OF RESPONSIBILITY

a. Written Determination

The Decision Maker will issue a written Determination of Responsibility based upon the Relevant information from the Investigation Report and the hearing proceedings using a preponderance of the evidence standard. In other words, more than 50% of the Relevant information would need to indicate that the Respondent's conduct constituted Sexual Harassment as defined above in Section 3. In making a Determination of Responsibility, the Decision Maker may rely upon information, statements, and/or documents that were not subject to questioning during the hearing, so long as they are Relevant.

The written Determination of Responsibility will be issued within fifteen (15) business days of the date that the hearing is concluded, and within seven (7) business days after the final determination has been made, and will include:

- i. A description of the allegations.
- ii. A description of the investigation and hearing process.
- iii. Findings of fact that are supported by Relevant information, both inculpatory and exculpatory, and were subject to questioning during the hearing.
- iv. The applicable definition(s) of Sexual Harassment arising from the allegations.
- v. For each allegation:
 1. An objective analysis of the Relevant facts compared to the applicable definition of Sexual Harassment. Any credibility determinations may not be based on a person's status as a Reporting Party, Respondent, or witness.
 2. A conclusion of whether or not the Respondent is responsible for engaging in Sexual Harassment.
 3. Any sanctions that are imposed.
- vi. An indication of whether Reporting Party will be provided with remedies (non-disciplinary), but without a description of the content of those remedies.
- vii. A description of the Appeals process.

b. Student Sanctions

The sanctions imposed in a Determination of Responsibility for a student Respondent may include: educational sanctions, no-contact orders, exclusion from Regis property or activities, residence hall suspension, academic suspension, probation, final probation, expulsion.

c. Employee Sanctions

The sanctions imposed in a Determination of Responsibility for an employee (faculty or staff) Respondent may include: training, loss of privileges, a reprimand, personnel actions, suspension, termination of employment and/or dismissal from Regis College.

d. Finalized Determination

A Determination of Responsibility will become final once either the deadline to request an Appeal has expired or a written determination regarding an Appeal has been issued. Any sanctions imposed will not go into effect until a Determination of Responsibility becomes final. Any Supportive Measures or Emergency Removals will remain in place until a Determination of Responsibility becomes final.

18. APPEALS

a. Bases for Appeals

Reporting Party and Respondent have an equal opportunity to appeal the dismissal of a Formal Complaint, the dismissal of certain allegations within a Formal Complaint, or the Determination of Responsibility. An appeal is possible only on the following bases:

- i. A procedural irregularity that affected the outcome of the matter.
- ii. New evidence that was not reasonably available at the time of the dismissal of a Formal Complaint, the dismissal of allegations within a Formal Complaint, or the Determination of Responsibility that could affect the outcome of the matter.
- iii. An allegation that an official involved in the investigation or hearing (e.g., the Title IX Coordinator, an investigator, the Hearing Officer, or Decision Maker) had a conflict of interest or bias for or against Reporting Parties or Respondents in general or against the Reporting Party or Respondent involved in the matter specifically which affected the outcome of the matter.
- iv. Student Matters Only. That the sanction imposed within a Determination of Responsibility is substantially disproportionate to the underlying conduct and the Respondent's prior Code of Conduct or Title IX violations, if any.

Appeals or portions of appeals relying on any other basis will be dismissed.

b. Appeals of Dismissals of Formal Complaints

To request an appeal of a dismissal of a Formal Complaint or of the dismissal of certain allegations within a Formal Complaint, Reporting Party or Respondent must complete and submit a Request for Title IX Appeal form within three (3) business days of the date of dismissal and submit to 1) the Title IX Coordinator and 2) the Deputy Title IX Coordinator (Students) or the Associate Vice President for Human Resources (Employees). The Title IX Coordinator will notify the non-appealing party that an appeal has been filed.

c. Appeals of a Determination of Responsibility

To request an appeal of a Determination of Responsibility, Reporting Party or Respondent must complete and submit a Request for Title IX Appeal form within three (3) business days of the

date of the written Determination of Responsibility or within three (3) business days of the date that the recording of the hearing was made available to Reporting Party and Respondent, whichever is later. The Request for Title IX Appeal form must be submitted to 1) the Title IX Coordinator, 2) the Hearing Officer, and 3) the Decision Maker. The Title IX Coordinator will notify the non-appealing party that an appeal has been filed.

d. Appeals Officer; Review

The Title IX Coordinator will provide the name of the Appeals Officer to Reporting Party and Respondent in writing. Reporting Party and Respondent will then have three (3) business days to inform the Title IX Coordinator in writing if they have any valid reason to think that the named Appeals Officer cannot serve impartially due to bias or conflict of interest. The Title IX Coordinator will review the stated reasons and will determine whether a different Appeals Officer should be assigned. The determination of the Title IX Coordinator as to the ability of Appeals Officer to hear the appeal is final.

An Appeals Officer will review the Request for Title IX Appeal form and issue a written decision within ten (10) business days of the date the Title IX Coordinator submits the appeal form to the Appeals Officer.

If an Appeals Officer grants the appeal, remedies are limited to:

1. The initiation of an investigation and hearing process where a Formal Complaint was dismissed in its entirety.
2. The initiation of an investigation and hearing process regarding particular allegations where certain allegations of a Formal Complaint were dismissed.
3. A re-investigation of Reporting Party's allegations due to a procedural irregularity that affected the outcome.
4. A repeated hearing due to a procedural irregularity during the original hearing that affected the outcome.
5. For allegations involving students only, a re-evaluation of the imposed sanction by the Decision Maker.

Where an Appeal is based on an allegation of conflict of interest or bias that affected the outcome, as appropriate new personnel will conduct the investigation, re-investigation, or hearing.

If an Appeals Officer denies the Appeal, the dismissal of a Formal Complaint, the dismissal of certain allegations within a Formal Complaint, and/or the Determination of Responsibility will stand. A Reporting Party or Respondent has no further rights to appeal or challenge the outcome of the matter.

19. MILESTONES

Investigation

3 business days prior to investigation activities.	<u>Reporting Party and Respondent each have an opportunity to</u> review the names of the assigned investigators and raise any valid reason that the investigators cannot serve impartially due to bias or conflict of interest.	<u>And submit to</u> Title IX Coordinator or their designee.
20 business days from notice of Formal Complaint to Respondent.	Fact gathering stage of investigation is completed. May be delayed for good cause with notice to Reporting Party and Respondent.	
10 business days from when Title IX Coordinator provides access to Directly Related information.	<u>Reporting Party and Respondent each have an opportunity to review</u> and provide written response to that information.	<u>And submit to</u> Title IX Coordinator.
10 business days from when Title IX Coordinator provides access to Investigation Report.	<u>Reporting Party and Respondent each have an opportunity to review</u> and provide written response to the Investigation Report.	<u>And submit to</u> Title IX Coordinator.

Hearing

	<u>Reporting Party and Respondent each have an opportunity to provide:</u>	<u>And submit to:</u>
3 business days after outreach from Title IX Coordinator	<ul style="list-style-type: none"> Any valid reason to that the assigned Hearing Officer or Decision Maker cannot serve impartially due to bias or conflict of interest. 	Title IX Coordinator.
10 business days prior to hearing date.	<ul style="list-style-type: none"> Notice regarding intention to participate in hearing. The name and contact information of their Hearing Advisor. An opening statement (optional). The name and contact information of any 	Hearing Officer.

witnesses intended to be questioned. After receipt, Hearing Officer will provide a complete witness list.

5 business days prior to hearing date.	<ul style="list-style-type: none"> • Anticipated questions they plan to ask during the hearing (optional). 	Hearing Officer.
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Appeals

	<u>A Reporting Party or Respondent <i>seeking to appeal</i> must:</u>	<u>And submit to:</u>
3 business days from dismissal of Formal Complaint or part of a Formal Complaint.	Submit a complete Request for Title IX Appeal form.	1) Title IX Coordinator and 2) Deputy Title IX Coordinator (Students) or Associate Vice President for Human Resources (Employees).
3 business days from date Determination of Responsibility OR date that recording of hearing provided, whichever is later.	Submit a complete Request for Title IX Appeal form.	1) Title IX Coordinator, 2) Hearing Officer, and 3) Decision Maker.
3 business days after outreach from Title IX Coordinator	Review of the name of the assigned Appeals Officer and raise any valid reason that they cannot serve impartially due to bias or conflict of interest.	Title IX Coordinator and Hearing Officer.

20. PERIODIC REVIEW

Regis College will review this document on a periodic and as-needed basis. Any changes will become effective once an updated Title IX Response and Grievance process is posted to the Regis College website. Additionally, Regis reserves the right to modify the processes contained herein in order to promote an equitable and fair process to all parties.