

Sexual Misconduct Policy and Procedures

Dean College prohibits sexual misconduct in any form. Any form of violence, intimidation, abuse, exploitation or harassment based on sex, sex stereotypes, sexual orientation, gender identity, and pregnancy or related conditions is contrary to the ideals of Dean and may jeopardize a community member's ability to learn, work, or otherwise participate in the life of the College.

Dean College strongly encourages all members of the community to take action, seek support, and report incidents of sexual misconduct. If the College becomes aware of alleged sexual misconduct that impacts one or more members of the College community, the College will investigate the matter and, where misconduct is found to have occurred, it will take action to end the behavior, eliminate any hostile environment, remedy its effects, and prevent its recurrence. The College will do so whether the perpetrator of the misconduct is a student, employee, guest, vendor or other third party.

For purposes of investigating and adjudicating allegations of misconduct, the term Sexual Misconduct has two categories:

- a. Title IX Policy Violations.
- b. Non-Title IX Policy Violations

The conduct that constitutes a policy violation is generally the same in both categories. What typically distinguishes a Title IX matter from a non-Title IX matter is the context in which the conduct occurs:

- Title IX applies to sexual misconduct that occurs “under the College’s education program or activity in the United States.” This includes conduct occurring on property owned or controlled by the College, property owned or controlled by a college-recognized student organization; conduct that is subject to the College’s disciplinary authority; and any conduct occurring outside the United States if it contributes to a hostile environment in the College’s education program or activity.
- A non-Title IX policy violation is sexual misconduct occurring outside the context of Title IX.

For conduct occurring on or after August 1, 2024, the process by which the College will address the reported misconduct is the same for Title IX and Non-Title IX policy violations and is set forth below. Different procedures may apply to conduct occurring before August 1, 2024. Complete process details and contact information for supporting staff may be found at www.dean.edu/titleix.

All students, staff, and faculty at Dean College are responsible for adhering to the College’s policy on Sexual Misconduct.

The Title IX Coordinator will oversee the College's response to alleged Sexual Misconduct Violations (Title IX and non-Title IX) and ensure that appropriate resources are available to students and employees involved.

If a Title IX Sexual Misconduct Investigation occurs, and the student is also charged with non-Title IX policy violations arising from the same incident, the charges will be adjudicated together in accordance with the Title IX procedures.

I. Definitions

Sexual Harassment

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

1. A College employee, agent, or other person authorized to act on behalf of the College conditions the provision of a benefit or service of the College on an individual's participation in unwelcome sexual conduct (quid pro quo harassment);
2. Unwelcome sexual conduct that is subjectively and objectively offensive and is sufficiently severe or pervasive that it limits or denies a person's equal ability to participate in or benefit from the College's education program or activity (hostile environment harassment); or
3. Sexual assault, dating violence, domestic violence, or stalking, as defined below.

Sexual assault means any sexual penetration, however slight, using any body part or object, by a person upon another person without that person's effective consent, including but not limited to any offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the FBI.

Dating Violence means violence committed by a person (A) who is or has been in a social relationship of an intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.

Domestic Violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Massachusetts, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Massachusetts.

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for their safety or the safety of others or (B) suffer substantial emotional distress.

Coercion is the unreasonable use of pressure to compel another individual to initiate or continue sexual activity against an individual's will. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail. A person's words or conduct are sufficient to constitute coercion if they wrongfully impair another individual's freedom of will and ability to choose whether to engage in sexual activity. Examples of coercion include threatening to "out" someone based on sexual orientation, gender identity, or gender expression and threatening to harm oneself if the other party does not engage in sexual activity.

Complainant is the person who reportedly was subjected to sexual misconduct. In the event the College pursues a complaint of sexual misconduct, the College also may be referred to as the Complainant.

Consent, in order to be effective, requires that at the time of the sexual contact, all participants are of legal age to consent to the activity at issue and use words or conduct to communicate freely given approval or agreement, without force, coercion, or incapacitation. Consent may not be inferred from silence or passivity. Consent to one act does not imply consent to other acts, nor does past consent to an act imply present or future consent. In addition, consent once given may be withdrawn at any time. If consent is withdrawn, whatever sexual contact is occurring must immediately stop. Individuals are unable to give effective consent if they are:

- incapacitated by illness, alcohol or drugs, and the other person knew or reasonably should have known of the incapacitation.
- forced, coerced, threatened, or subject to intimidation.
- physically incapable of communicating, asleep, or unconscious.

Force means the use or threatened use of violence or imposing on someone physically.

Incapacitation means an individual lacks the ability to make informed, rational judgments and/or to coherently communicate those judgments. Incapacitation may result from illness, injury, or the use of alcohol and/or other drugs. Incapacitation is a state beyond drunkenness or intoxication. The impact of alcohol and other drugs varies from person to person; however, warning signs that a person is or may be approaching incapacitation may include (but are not limited to) slurred speech, vomiting, unsteady gait, combativeness, or unusual emotional volatility.

Non-Consensual Sexual Contact is any intentional sexual touching, however slight, with any object or body part, by a person upon another person, without effective consent.

Relationship Abuse is the use of physical force, coercion, threats, or sexual misconduct toward a current or former partner in a personal, intimate relationship. Psychological, verbal, and/or emotional manipulation also constitute relationship abuse if it has the effect of creating reasonable fear, isolation, or restriction of access to resources, education, or work. Relationship abuse includes behaviors that are defined as dating and/or domestic violence for purposes of Massachusetts law, Title IX, or Clery Act reporting. The behaviors generally form an ongoing pattern of behavior, although one severe instance of physical or sexual abuse may be sufficient to establish relationship abuse. Relationship abuse is directed primarily against a person who is or has been involved in a sexual, dating, domestic, or other emotionally, romantically, and/or physically intimate relationship with the respondent, although the abuse may be directed toward the family members, friends, pets, or property of the targeted partner. Examples of relationship abuse include:

- Physical abuse (e.g., slapping, pulling hair, punching)
- Threats of abuse (e.g., threatening to hit, harm, or use of a weapon on another or self, or other forms of verbal abuse)
- Emotional/psychological abuse (e.g., harassment, name-calling, manipulation) that creates and maintains a degrading environment.
- Sexual abuse (e.g., forced sexual conduct and/or any behavior that meets the definition of sexual assault).
- Financial Abuse (e.g. Quid Pro Quo, forcing one to use financial resources, withholding financial resources).

Reporting Party is the individual who brought forward information regarding the incident. This may or may not be the complainant.

Respondent is the alleged perpetrator of sexual misconduct.

Retaliation is a materially adverse action taken against a person because they have complained about sexual misconduct, participated in an investigation of alleged sexual misconduct, or supported a victim of sexual misconduct.

Sexual Exploitation involves taking non-consensual or abusive advantage of another person's sexuality, including without limitation invading someone's sexual privacy; obtaining or distributing images or audio of sexual activity, intimate body parts, or nudity without consent; allowing another person to observe or listen to sexual activities without consent; and voyeurism.

Stalking is a pattern of behavior directed towards another person, which would cause a reasonable person to experience substantial emotional distress or fear for their safety or the safety of others.

Supportive Measures are individualized, non-punitive, non-disciplinary services offered to a complainant or respondent to restore or preserve equal access to education, protect student or employee safety, or deter sexual harassment.

Title IX Advisor is a person who acts as an advisor to the respondent or complainant during a Title IX investigation process. This person may but does not need to be an attorney. If a student does not have an advisor, the College may provide one.

II. Reporting

Private Reporting Options (Not Confidential)

Students, employees, and others have multiple options with respect to reporting sexual misconduct:

- Any person may contact the Title IX Coordinator for information about available options, supportive measures, and resources on and off campus. Students will receive information about on-campus and off-campus resources both verbally as well in writing. The Title IX Coordinator or designee also considers the initial information about the incident to determine whether interim emergency measures may be appropriate. **In addition to email, phone and in-person contact with the Title IX Coordinator, community members may also complete/submit the College's [Sexual Misconduct Reporting Form](#).**
- The Complainant may ask the College to conduct a Formal Sexual Misconduct investigation, in which case the student may choose to report a complaint orally or in writing. This can be done during a meeting with the Title IX Coordinator, or any Dean College employee. It can also be reported via email to any Dean College employee.
- The Complainant may ask the College to facilitate an informal resolution with the Respondent.
- To report to Franklin Police for criminal investigation, the Dean College Chief of Campus Police is available to assist students with this process. Students may also contact Franklin Police directly. If a sexual assault or sexual harassment might be the subject of a criminal investigation, it is important to take certain steps to preserve any evidence.

The individual should:

- Seek medical assistance which may include a sexual assault forensic exam. ○ Avoid showering or bathing prior to a forensic exam.
- Place any evidence (clothes, sheets, etc.) in a paper bag. Do not use a plastic bag as it may impact the later testing of items.

Confidential Reporting Options

A “confidential” resource is one who will not share with anyone (including college officials or law enforcement) any information that identifies or could be used to identify the person making the report of sexual misconduct, with very limited exceptions – i.e., with the reporting person’s consent, where there is an imminent threat to the safety of the reporting person or someone else, or where disclosure is necessary in order to comply with the College’s legal obligations. College employees who are not confidential resources are obligated to report any allegation of sexual misconduct to the Title IX Coordinator.

Confidential Resources On-Campus:

- Dean College Health Services: 508-541-1600
- Dean College Counseling Services: 508-541-1838

Confidential Resources Off-Campus:

- Wayside Trauma Intervention Services: 800-511-5070 (24-hour confidential hotline)
- Resources include free trauma counseling, hospital and medical advocacy, safety planning
- New Hope Inc.: 800-323-4673 (24-hour confidential hotline) Provides resources for addressing domestic and sexual violence
- 1in6.org/helpline: 24-hour chat line - Provides resources for male survivors
- Milford Regional Medical Center: 508-473-1190 Address: 14 Prospect St., Milford, MA SANE (Sexual Assault Nurse Examiner)

III. Interim and Supportive Measures

Regardless of whether a formal investigation is pursued, the College will implement such supportive measures as are appropriate in the circumstances. They can include, without limitation:

- no contact directives
- changes in class, laboratory, or other educational activities (students)
- changes in campus workplace arrangements or schedules
- restrictions on participation in one or more campus activities
- scheduled use of on-campus facilities such as the dining hall, gym, library, etc.
- emergency interim suspensions from the College or living on campus, based on an immediate threat to campus to justify the removal of a student. The respondent has the right to respond to the decision to an interim suspension immediately.
- emergency changes in living arrangements for the reporting student or respondent.

Any person who wishes to request interim or supportive measures must contact the Title IX Coordinator at TitleIX@dean.edu. Decisions about interim or supportive measures will be made by the Title IX Coordinator or a Deputy Title IX Coordinator, in consultation with other College officials as appropriate under the circumstances. Violations of Interim or Supportive Measures will be addressed by the Title IX Coordinator or Deputy Title IX Coordinator.

IV. Process

This section describes the formal process for investigating and decision-making process for allegations of Title IX Violations. If the complaint is limited to allegations of non-Title IX Violations involving one or more student Respondents, the applicable process is described in the Student Code of Conduct. The investigation and decision process for allegations of Non-Title IX Violations involving employee respondents is described in the Employee Policy Handbook.

Investigation

The Title IX Coordinator or their designee will oversee the College's investigation, which in the ordinary course will include the following steps. The investigation process outlined below is always subject to adjustment as appropriate under the circumstances of any case.

At each stage of the process, both the complainant and the respondent have the right to be accompanied by an advisor of their choosing. The advisor's role is limited to supporting the complainant or respondent. The parties are expected to speak and answer questions on their own behalf. The advisor may not obstruct or otherwise interfere with any stage of the process. In that event, the College may disqualify the advisor.

The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the College and not on the parties involved.

1. To initiate a formal investigation and conduct process, the complainant may submit a report of alleged sexual misconduct to the Title IX Coordinator either verbally or in writing, which may be done via email, or via a Maxient reporting form. A formal investigation and conduct process also may be initiated by the Title IX Coordinator.
2. The College may consolidate formal complaints as to allegations of sexual misconduct against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual misconduct arise out of the same facts or circumstances.

3. The Title IX Coordinator will assign one or more investigators to conduct a thorough, unbiased investigation. Generally, one Title IX investigator will investigate each reported incident.
4. Both the complainant and the respondent student will be notified in writing of any disciplinary charges that are to be investigated.
5. The respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the investigation process.
6. The Investigator will conduct all phases of the investigation within a reasonable time frame; will inform the parties of the anticipated time frame for each phase of the investigation; and will provide written notice of any delays, with an explanation of the good cause for the delay.
7. The investigation generally will involve:
 - a. Collecting information and statements from both the respondent and the complainant.
 - b. Meeting with witnesses for the complainant and the respondent who have relevant information about the incident.
 - c. Collecting additional information such as documents, photos, emails, texts, etc. that are deemed relevant to the investigation.
 - d. Both parties have the ability to discuss the allegations under investigation or to gather and present relevant evidence, although the burden ultimately is on the College to gather sufficient evidence.
8. The Investigator will allow each party to propose relevant questions to be asked of the other party(ies) and any witnesses and will provide each party with access to a transcript or recording of interviews with enough time to allow a reasonable opportunity to propose follow-up questions.
9. The investigator will share with both parties a draft report of the investigation, along with all of the relevant evidence obtained as part of the investigation. Both parties will have at least 10 days to submit a written response, which the investigator will consider and address as appropriate prior to the completion of the Investigation Report.

Adjudication and Resolution

1. The investigator will determine whether a violation occurred, using the preponderance of evidence standard (more likely than not).
2. The investigator will report the findings to the parties, in writing, including a description of the allegations that were investigated, the policies and procedures used to evaluate the allegations, the investigator's evaluation of the relevant evidence, the sanctions (if any) for any violation that was found, and information about appeal procedures.

Sanctions

If the respondent is found responsible, the sanctions imposed may include, but are not limited to, loss of privileges, disciplinary probation, suspension, or dismissal.

Appeals

Either party may appeal the decision, in writing, within 5 business days. The link to submit an appeal will be included in the decision letter. An appeal can be asserted only on the following bases:

1. Procedural irregularity that affected the outcome of the matter.
2. New evidence that was not reasonably available at the time the determination regarding responsibility or a sanction of dismissal was made, that could affect the outcome of the matter.
3. The Title IX Coordinator, investigator, or other decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

The Title IX Coordinator will provide written notice of the appeal to the non-appealing party(ies).

The Title IX Coordinator will identify the Appeal Officer, who may not be the decision-maker below.

If the Appeal Officer determines that the written appeal does not meet the abovementioned criteria, the appeal will be automatically dismissed. The Title IX Coordinator will notify the parties in writing at that event.

If the Appeal Officer determines that the appeal asserts one or more of the bases described above, the Appeal Officer will review the appeal on the merits. In that event, the Title IX Coordinator will inform the parties in writing and afford both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome being appealed.

While an appeal is being reviewed, the original sanctions imposed are still in effect until an appeal decision has been made, including suspension or removal from housing or the College.

The Appeal Officer may review the investigation materials; meet with the Title IX Coordinator, investigator, or others; or take such other steps as the Appeal Officer determines are appropriate to resolve the appeal.

The Appeal Officer may affirm the findings and sanctions; reverse any finding or sanction; impose a different sanction; remand the matter for further investigation or

other proceedings; or make such other determination as the Appeal Officer deems appropriate under the circumstances.

The Appeal Officer will Issue a written decision describing the result of the appeal and the rationale for the result, which the Title IX Coordinator will and simultaneously to both parties.

Dismissal of a Formal Complaint

A formal complaint may be dismissed by the Title IX Coordinator at any time if they determine that the alleged conduct, if proven, would not constitute a violation of the Sexual Misconduct Policy. In that event, the parties will be notified in writing. The Complainant or the College may pursue the matter under the Code of Student Conduct, if applicable.

Informal Resolution

The College may offer informal resolution of a complaint at any time before a determination of responsibility has been made. Before initiating such a process, the College will provide written notice to the parties as to:

- The allegations
- The requirements of the informal resolution process
- The right to withdraw from the informal resolution process and resume a formal resolution process, but only before an agreement has been reached.
- The fact that any informal resolution will preclude initiating or resuming a formal complaint process.
- The potential terms that may be requested or offered in the informal process.
- What information the College will maintain concerning the informal process and whether or how the College could disclose such information in a formal complaint process.

Pregnant and Parenting Students' Rights

Introduction

This policy outlines the rights and protections for pregnant and parenting students at Dean College. This policy aims to educate the campus community, ensure appropriate facilities are available, and establish mandatory reporting protocols for faculty and staff.

Policy Statement

Dean College is committed to providing a supportive and inclusive environment for pregnant and parenting students. This policy ensures that students are not

discriminated against on the basis of pregnancy, childbirth, miscarriage, termination of pregnancy, or recovery therefrom.

Rights of Pregnant and Parenting Students

Pregnant and parenting students have the right to:

- a. Equal access to educational programs and activities.
- b. Reasonable adjustments and accommodations, including excused absences due to pregnancy or childbirth.
- c. Voluntary participation in special programs for pregnant and parenting students.
- d. Appropriate and accessible lactation spaces.

Education and Awareness

To foster a supportive environment, the college will:

- a. Develop and distribute educational materials to inform the campus community about the rights of pregnant and parenting students under Title IX.
- b. Conduct workshops and training sessions for students, faculty, and staff on the rights and responsibilities of pregnant and parenting students.
- c. Provide information on available resources and support services for pregnant and parenting students.

Lactation Spaces

The college will:

- a. Ensure that there are appropriate lactation spaces available on campus. These spaces will be private, clean, and equipped with electrical outlets and comfortable seating.
- b. Designate lactation spaces that are easily accessible to students, faculty, and staff.
- c. Clearly communicate the locations and availability of lactation spaces through campus maps, signage, and the college website.

Reporting Obligations

To ensure compliance and support for pregnant and parenting students, faculty and staff must:

- a. Report any knowledge of a student's pregnancy or parenting status to the Title IX Coordinator. This includes information obtained through direct disclosure by the student or through observation.
- b. Maintain the confidentiality of the student's information and only share it with the Title IX Coordinator and other designated personnel as necessary.

Title IX Coordinator Responsibilities

The Title IX Coordinator is responsible for:

- a. Overseeing the implementation of this policy and ensuring compliance with Title IX regulations.
- b. Providing support and resources to pregnant and parenting students, including facilitating reasonable accommodations and adjustments.
- c. Investigating complaints of discrimination or harassment based on pregnancy or parenting status.
- d. Offering training and education to the campus community about the rights of pregnant and parenting students.

Resources and Support Services

The college offers various resources and support services for pregnant and parenting students, including:

- a. Academic advising and support
- b. Counseling services
- c. Health services

Policy Review and Updates

This policy will be reviewed annually by the Title IX Coordinator to ensure compliance with federal regulations and to address any emerging needs of pregnant and parenting students. Updates to the policy will be communicated to the campus community through official channels.

Contact Information

For more information or to report a concern, please contact the Title IX Coordinator at: TitleIX@dean.edu.