

Quincy College



Sexual Misconduct Policy and Procedures in Accordance with the Violence Against Women Act (VAWA)

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Sexual Misconduct Policy

Quincy College is committed to providing a productive learning environment in which students can pursue their educational goals. Sexual misconduct undermines this commitment and affects the ability of students to focus on their educational achievement. Therefore, Quincy College will not tolerate nor condone any form of sexual misconduct. Quincy College students are prohibited from engaging in sexual misconduct, as defined below. No one shall be retaliated against for participating in the College's complaint resolution procedure in good faith as a complainant, a witness, an investigator, or in any other capacity. The following sections detail the official policy of Quincy College in regard to acts of sexual misconduct.

Violence Against Women Act (VAWA)

The Violence Against Women Reauthorization Act (VAWA), which President Obama re-authorized and signed into law in 2013, imposes new obligations on colleges and universities under its Campus Sexual Violence Act (SaVE Act) provision. Quincy College is committed to following these provisions. Under VAWA, Quincy College is required to:

- 1) Report dating violence, domestic violence, sexual assault, and stalking, beyond crime categories the Clery Act already mandates;
- 2) Adopt certain student discipline procedures, such as for notifying purported victims of their rights; and
- 3) Adopt certain institutional policies to address and prevent campus sexual violence, such as to train in particular respects pertinent institutional personnel.

Reporting Obligations Under the Clery Act

In regard to sexual misconduct cases, the Clery Act requires Quincy College to:

- **Publish an Annual Security Report (ASR)** by October 1, documenting three calendar years of select campus crime statistics including security policies and procedures and information on the basic rights guaranteed victims of sexual assault. The law requires Quincy College to make the report available to all current students and employees, and prospective students and employees must be notified of its existence and given a copy upon request. Paper copies of the ASR should be available upon request. All crime statistics must be provided to the U.S. Department of Education. The Quincy College Annual Security Report is published by the Office of Institutional Research and Assessment in conjunction with Campus Services and Facilities and can be found at <http://quincycollege.edu/departments/institutional-research-assessment>
- **To have a public crime log.** Quincy College is required to maintain a public crime log documenting the "nature, date, time, and general location of each crime" and its disposition, if known. Incidents must be entered into the log within two business days. The log should be accessible to the public during normal business hours; remain open for 60 days and, subsequently, made available within two business days upon request. The Quincy College crime log is maintained by Campus Security and is available upon request.
- **Disclose crime statistics for incidents that occur on campus, in unobstructed public areas immediately adjacent to or running through the campus and at certain non-**

campus facilities including remote classrooms. The statistics must be gathered from campus security, local law enforcement, and other school officials who have "significant responsibility for student and campus activities" (See Policy 11.02 – Reporting the Annual Disclosure of Crime Statistics).

- **Issue timely warnings about Clery Act crimes (to include forcible and non-forcible sex crimes) which pose a serious or ongoing threat to students and employees.** Please reference the Quincy College Emergency Response Plan for information regarding timely warning notifications (See also Policy 11.01 - Timely Warning Policy).
- **Devise an emergency response, notification and testing policy.** The Quincy College Emergency Response Plan which details the details of emergency response, immediate notification, timely warnings and testing procedures (See Policy 11.11 – Issuing an Emergency Notification and Policy 11.12 – Emergency Response).

Sexual Misconduct Definitions

Due to the sensitive and sometimes violent nature of incidents involving sexual misconduct, the following definitions are provided for informational use by students and for guidance in the investigation and processing of alleged violations. It is possible that a particular action may constitute sexual misconduct even if not specifically mentioned in these examples.

Sexual misconduct is a broad term used to encompass a range of behaviors including:

- dating violence;
- domestic violence;
- nonconsensual sexual contact;
- nonconsensual sexual penetration;
- sexual assault;
- sexual exploitation;
- sexual harassment; and
- stalking

The included definitions of effective consent, dating violence, domestic violence, and stalking are in accordance with VAWA's required definitions for student conduct code policies. Some behaviors covered by these definitions might be referred to as rape, sexual assault, or sexual battery in criminal statutes. Terms that are also used culturally include date rape, acquaintance rape, or intimate partner violence. Sexual misconduct can occur between individuals who know each other, have an established relationship, have previously engaged in consensual sexual activity, and between individuals who do not know each other. Sexual misconduct can be committed by persons of any gender identity, and it can occur between people of the same or different sex.

Dating Violence

Dating violence is defined by:

- A reference to a violent crime;
- Committed by:

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- A person who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- The existence of the relationship shall be determined based on the victim's statement with consideration of the length of the relationship, the type of the relationship, and frequency of the relationship.

Domestic Violence

Domestic violence is defined by:

- A reference to a violent crime;
- Committed by:
 - Current or former spouse or intimate partner;
 - Person sharing a child with the victim; and
 - Person cohabitating with or has cohabitated with the victim as a spouse or intimate partner.

Effective Consent

Quincy College students are expected to engage in sexual behavior of any kind only with the fully informed and *effective consent* of all parties involved. *Effective consent* must be obtained for each instance and each escalation of sexual activity. Obtaining *effective consent* is the responsibility of the party initiating sexual activity. Doing otherwise may constitute sexual misconduct and is a violation of Quincy College policy. As defined by VAWA and by Quincy College, effective consent is defined by:

- A voluntary and informed agreement to engage in sexual activity;
- The agreement must be informed through mutually understandable words or actions;
- Consent cannot be authorized by someone who is incapacitated;
- Past consent does not imply future consent;
- Silence or absence of resistance does not imply consent;
- Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another;
- Consent can be withdrawn at any time; and
- Coercion, force, or threat at any time invalidates consent.

Furthermore:

- Initiators of sexual activity are responsible for obtaining effective consent;
- Consent is not effective if obtained from an individual who is incapable of giving consent due to the following or other reasons:
 - a mental, intellectual, or physical disability; or
 - is under the legal age to give consent; or
 - is asleep, unconscious, or physically helpless;
 - is *incapacitated* by alcohol or other drugs.
- Consent to one type of sexual activity does not imply consent to any other or all types of sexual activity;
- A person can withdraw consent at any time;

- Refusal, lack of consent, or non-consent may be expressed in many ways, verbally or physically; and
- Physical resistance is not necessary to communicate a lack of consent.

Individuals who initiate sexual activity assume responsibility for their behavior and must understand that the use of alcohol or other drugs does not reduce accountability for their actions. The question is whether or not the person who initiated the sexual activity knew or whether a sober and reasonable person in the same position should have known whether the other person gave effective consent.

Incapacitation is the physical and/or mental inability to make informed, rational judgments and decisions. States of incapacitation include sleep and blackouts. Where alcohol or other substances are involved, incapacitation is determined by how the substance impacts a person's decision-making capacity, awareness of consequences, and ability to make informed judgments. Coercion is to force one to act based on fear of harm to self or others. Means of coercion may include, but are not limited to, pressure, threats, emotional intimidation, or the use of physical force.

Force

Force may include words, conduct or appearance. Force includes causing another's intoxication or impairment through the use of drugs or alcohol. Coercion, intimidation, and non-physical threats can be all forms of force.

Nonconsensual Sexual Contact

Nonconsensual sexual contact is defined as any physical contact with another person of a sexual nature without that person's *effective consent*. The touching of a person's intimate parts (such as genitalia, groin, breast, buttocks, mouth, or clothing covering same); touching a person with one's own intimate parts; or forcing a person to touch another's intimate parts would be violations of this policy if they occur without *effective consent*.

Nonconsensual Sexual Penetration

Nonconsensual sexual penetration is defined as the sexual penetration of any bodily opening with any object or body part without *effective consent*. This could be committed by force, threat, intimidation, coercion, or through exploitation of another's mental or physical condition (such as lack of consciousness, *incapacitation* due to drugs or alcohol, age, or disability) of which the respondent was actually aware or which a reasonable person in the respondent's position should have been aware.

Sexual Assault

Sexual assault has been committed when an individual engages in sexual activity without the explicit consent of the other individual involved. Sexual activity is any touching of a sexual or other intimate part of a person for the purpose of gratifying sexual desire of either party. Sexual assault includes any forced act against one's will where sex is the weapon. This can include, but is not limited to:

- Sexual Battery: the unwanted touching of an intimate part of another person for the purpose of arousal by the actor
- Sodomy: forced anal intercourse
- Oral Copulation: forced oral-genital contact
- Rape by a Foreign Object: forced penetration by a foreign object including digits (fingers and toes)
- Rape: penile-vaginal intercourse against a person's will and without consent

Recent legislation also makes it a felony to engage in video voyeurism, secretly capturing images of another person in a private place without consent.

Whether or not specifically stated, it is an element of every sexual assault that the sexual act was committed without consent of the victim.

Sexual Harassment

Sexual Harassment is unwelcome conduct of a sexual nature, such as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, when:

- Submission to such conduct is made either explicitly or implicitly a condition of an individual's employment or academic standing; or
- Submission to, or rejection of, such conduct is used as the basis for employment decisions (such as advancement, performance evaluation, or work schedule) or academic decisions (such as grading or letters of recommendation); or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's working conditions or academic experience, or of creating a hostile working or academic environment.

Even one instance of sexual harassment, if severe enough, may create a hostile environment. A non-exhaustive set of examples of conduct that might constitute sexual harassment are included below. One or more of these actions will only be considered sexual harassment when that conduct has the purpose or effect of unreasonably interfering with another individual's working conditions or academic experience, or of creating a hostile working or academic environment.

*Examples of **verbal sexual harassment** may include unwelcome conduct such as unwelcome sexual flirtation, advances or propositions or requests for sexual activity or dates; asking about someone else's sexual activities, fantasies, preferences, or history; discussing one's own sexual activities, fantasies, preferences, or history; verbal abuse of a sexual nature; suggestive comments; sexually explicit jokes; turning discussions at work or in the academic environment to sexual topics; and making offensive sounds such as smacking or licking lips, kissing sounds, or "wolf whistles."*

*Examples of **nonverbal sexual harassment** include unwelcome conduct such as displaying sexual objects, pictures or other images; invading a person's personal body space, such as standing closer than appropriate or necessary or hovering; displaying or wearing objects or items of clothing which express sexually offensive comments; making sexual gestures with hands or body movements; looking at a person in a sexually suggestive or intimidating manner; or*

delivering unwanted letters, gifts, or other items of a sexual nature. In addition, nonconsensual sexual contact, sexual exploitation, and nonconsensual sexual penetration may constitute nonverbal instances of sexual harassment.

Sexual harassment does not include material or discussion that is appropriately related to course subject matter or curriculum, and this policy shall not abridge academic freedom or the College's educational mission (See **Policy 3.03 – Sexual Harassment Policy and Harassment-Free Workplace** for more information).

Sexual Exploitation

Sexual exploitation means taking sexual advantage of another person and includes, without limitation: indecent exposure; causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over him or her; causing the prostitution of another person; recording, photographing, or transmitting images of private sexual activity and/or the intimate parts of another person without effective consent; allowing third parties to observe private sexual acts without effective consent; engaging in voyeurism without effective consent; and knowingly or recklessly exposing another person to a significant risk of sexually transmitted infection, including HIV.

Stalking

Stalking is defined by:

- Engaging in a course of conduct (at least two or more acts by which the accused directly, indirectly or through third parties follows, monitors, observes, surveils, threatens, or communicates about a person or interferes with his or her property);
- Directed at a specific person; and
- Causes a reasonable person to fear for his or her safety of others or causes that person to suffer substantial emotional damage.

Training for the College Community

The Vice Presidents, Associate Vice Presidents, and Deans (hereinafter, Vice Presidents/Deans), working with the Title IX Coordinator(s) or designee, will see that all supervisors on the Quincy and Plymouth campuses receive information and are offered training concerning sexual misconduct.

Incoming Students and New Employees

Under VAWA, new students and new employees will be offered primary prevention and awareness programs that promote awareness of rape, acquaintance rape, domestic violence, sexual assault, and stalking. In accordance with VAWA, these programs will be:

- Comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking;
- Culturally relevant, inclusive of diverse communities and identities, sustainable, responsible to community needs, and informed by research or assessed for value, effectiveness, or outcome;

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- Consider environmental risk and protective factors as they occur on the individual, relationship institutional, community, and societal levels.

Training for new students will occur through material such as:

- Orientation training for new students;
- Introductory email from President;
- Reminders on television monitors throughout campus;
- Flyers; and
- Policy handouts.
-

Training for new employees will occur through material such as:

- Initial mandated online training sessions through Safe Colleges, Inc.; and
- Reminders on television monitors throughout campus.

Ongoing Training for Students and Employees

Ongoing training for students will occur through material such as:

- At target events;
- Introductory email from President;
- Reminders on television monitors throughout campus;
- On the Quincy College webpage; and
- Student Success Coaching Office awareness workshops.

Ongoing training for employees will occur through material such as:

- Annual online retraining or updates through Safe Colleges, Inc. ;
- Reminders on television monitors throughout campus; and
- Student Success Coaching Office awareness workshops.

Employees Involved in the Investigative Process

VAWA mandates that all college employees involved in the investigative process of sexual misconduct cases receive at least annual training related to sexual crimes and the college's investigative procedures. Employees at Quincy College who will be involved in the investigative process will receive training annually.

Sexual Misconduct Policy Applicability

The Quincy College sexual misconduct policy shall apply to all members of the College community, whether the sexual crime takes place on campus or off campus.

Students who engage in behavior that violate local, state and/or federal law may be subject to civil and/or criminal proceedings in addition to the college disciplinary/judicial procedures.

The college reserves the right to take disciplinary action against a student for off campus conduct when such conduct poses a direct or indirect threat or adversely affects the college community, if the conduct poses a threat to another member of the college community or if the student is charged with a violation of local, state or federal law.

Bystander Intervention

Quincy College expects all members of the College community to take reasonable actions to prevent or stop an act of sexual misconduct. Bystanders can help in several different ways, including direct intervention, seeking assistance from an authority figure, notifying campus security, or calling State or local law enforcement.

If you see an act of sexual misconduct: It is important to understand that no individual has the right to be violent, regardless of whether people are in a relationship. Recognizing when acts of sexual misconduct are occurring is the first step to intervening. If you make the decision to intervene, do so safely—violence does not stop violence, and, if you cannot stop the act with your words, call campus security or local law enforcement. Do not be afraid to call on others for help.

If a victim confides in you: It is important to let the victim tell their story. Listen respectfully, and help them explain and identify what has happened to them. Do not contradict them or play “devil’s advocate” even if parts of the story don’t immediately make sense or even if you would have made other choices when presented with the same scenario or challenges. Help the victim identify others in their network who they can confide in. Ask the victim what they need to feel safe, encourage them to seek medical attention and counseling, and encourage them to report the act if they feel comfortable doing so. The first people that a victim talks to can have a significant impact on the person and their ability to report and get through an ordeal. Be a supportive, kind, understanding and nonjudgmental person and you can be a positive force for this victim in seeking the help they require to move forward.

Recognizing Signs of Abuse

Behavioral signs or changes may indicate sexual abuse and can include¹:

- Anxiety
- Depression
- Sleep disturbances including nightmares or night terrors
- Change in eating habits
- Unusual fear of certain people or places; reluctance to be alone with a certain person
- Changes in mood that could include anger, aggressiveness towards others.
- Withdrawal; runaway behavior
- Change in attitude towards school or academic performance; lack of interest in friends, sports, or other activities
- Unexplained or frequent health problems like headaches or stomachaches
- Poor self-esteem; avoidance of relationships
- Self-mutilation or change in body perception like thinking of self or body as dirty or bad; suicidal thoughts

¹ Darknesstolight.org - http://www.d2l.org/site/c.4dICIJOKGcISE/b.7938027/k.6B67/Signs_of_Sexual_Abuse.htm

Rights of the Victim

Quincy College is committed to following making accommodations for orders of protection, no contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court or by the institution.

Sexual Misconduct Procedures

The following sections detail Quincy College procedures for reporting, investigating, and enforcing disciplinary actions related to sexual misconduct cases. These procedures may be modified, revised or amended at the discretion of Quincy College.

Reporting Procedures

- 1) All members of the Quincy College community are responsible for reporting any form of sexual misconduct. The primary responsibility for ensuring that a proper investigation and resolution of sexual misconduct, sexual harassment, or retaliation complaints rests with the Title IX Coordinator(s) or designee, who will administer the policy and procedures described herein.
 - a. The Title IX Coordinator(s) or designee will receive complaints, advise complainants and respondents about Quincy College’s procedures and options for responding to complaints, conduct investigations, and determine its findings.
- 2) These complaint procedures are available to any member of the Quincy College community who believes that a violation of the sexual misconduct policy has been committed. In addition, applicants; visitors; guest lecturers; contractors, their agents and employees may use these procedures where applicable to bring complaints against members of the Quincy College community whom they believe have committed engaged in sexual misconduct, sexual harassment, or retaliation in the course of the educational, work or other official activities of Quincy College, such as sporting events or lectures. Members of the Quincy College community consist exclusively of students, faculty, and other full and part-time employees of Quincy College. These procedures are available regardless of whether the person alleging sexual misconduct, sexual harassment, or retaliation (the “complainant”) has filed a complaint with any outside agency or court.
- 3) The Vice President for Academic Affairs will be notified whenever the person accused of sexual misconduct, sexual harassment, or retaliation (the “respondent”) is a Quincy College student.
- 4) Notwithstanding any provision of this policy, Quincy College reserves the right to investigate and take action on its own initiative in response to behavior and conduct which may constitute sexual misconduct, sexual harassment, or retaliation, regardless of whether an actual complaint has been filed.
- 5) Prompt reporting of sexual misconduct, sexual harassment, or retaliation is in the best interest of the entire Quincy College community and is essential to a fair, timely and thorough investigation. Accordingly, all complaints should be filed within 90 calendar days of the action that prompts a complaint. (NOTE: this filing period may be extended for good cause.)

- 6) Those found to be in violation of Quincy College’ sexual misconduct or retaliation policy will be subject to disciplinary sanctions. Refer to the detailing Potential Disciplinary Outcomes for further information.

How to Report Sexual Misconduct to Quincy College

Students and staff are encouraged to report sexual misconduct that is perpetrated against them or other members of the Quincy College community. Individuals have numerous options for reporting the misconduct and obtaining support; which option an individual chooses depends upon the nature and severity of the misconduct, whether the student wishes the report to remain confidential, and whether the individual wishes to pursue a formal complaint. Upon a report of sexual misconduct, a victim will receive a written explanation of their rights and options in regards to the report. An individual may directly report an act of sexual misconduct directly to a Title IX Coordinator or designee.

Quincy College Title IX contact information:

- Mary E. Scott, Title IX Coordinator
Phone: (617) 984-1768 - Email: MScott@QuincyCollege.edu
- Susan Bossa, Title IX Coordinator
Phone: (617) 984-1656 - Email: SBossa@QuincyCollege.edu
- Maureen Savage, Deputy Title IX Coordinator
Phone: (617) 984-1690 - Email: MSavage@QuincyCollege.edu

When reporting to a Title IX Coordinator, the individual(s) must first file an oral or written report with the Title IX Coordinator(s) or designee (See attached Student Complaint Form). The individual(s) initiates a filing process by meeting with the Title IX Coordinator(s) or designee who will explain the reporting procedures. When initiating the report process, the individual(s) should provide the following information which will include a “confidential internal intake form” and may also be completed online at My QC Campus Portal by clicking on the “Submit an Incident Report” hyperlink:

- a) all relevant facts, including the date(s) of the occurrence(s), the identity of all parties, the location(s) and circumstances of the behavior at issue, and any other information the complainant feels is relevant;
- b) the specific nature of the sexual misconduct, sexual harassment, or retaliation involved in the complaint;
- c) other individuals who might be aware of or have knowledge of the situation;
- d) what actions, if any, the complainant has taken as a result of the incident(s); and

- e) what remedy or relief is being sought (although the imposition of any particular remedy is in the discretion of Quincy College).

Individuals may also choose to report to a Code of Conduct Officer (CCO), Quincy College professor, staff member, or dean.

Stephen Kearney, Code of Conduct Officer
Phone: 617-984-1734 – Email: SKearney@QuincyCollege.edu

How to Respond to Reports of Sexual Misconduct

Employees Responsibility to Report

When a student reports an act of sexual misconduct to an employee of Quincy College, the employee may be obligated to report disclosed information depending upon their position. The following details the responsibility of employees to report sexual misconduct dependent upon their position:

Professional Counselors – Quincy College does not have licensed counselors on staff. The College refers student needing counseling services to outside agencies. Outside licensed counselors who provide mental health counseling to members of the campus community are not obligated to report any information to the College. These counselors are required to maintain near complete confidentiality; talking to them is sometimes called a “privileged communication”. Counselors are obligated to report behavior that may result in harm to self or others.

Student Success Coaches – Other individuals that work or volunteer in on-campus counseling centers may talk to a victim without revealing any personally identifying information to the College. However, those individuals must report the nature, date, time, and general location of the incident to their Title IX Coordinator. Disclosures to these employees will not trigger a College investigation into an incident against the victim’s wishes.

Responsible Employees – Responsible employees must report all relevant details to the Title IX Coordinator. If a student requests confidentiality, the College will consider the request, but cannot guarantee that it will honor it. A report to these employees (called “responsible employees”) constitutes a report to the College—and generally obligates the College to investigate the incident and take appropriate steps to address the situation.

Confidentiality Policy

The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Adherence to confidentiality is expected of all individuals directly and indirectly involved with the investigation process and its final determination.

If a victim discloses an incident to a responsible employee but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the College must weigh that request against the College’s obligation to provide a safe, non-discriminatory environment for all students, including the victim.

If the College honors the request for confidentiality, a victim must understand that the College's ability to meaningfully investigate the incident and pursue disciplinary action against the accused may be limited.

When weighing a victim's request for confidentiality or that no investigation or discipline be pursued, factors to consider:

- The increased risk that the accused will commit additional acts of sexual or other violence, such as:
 - history of sexual violence complaints about the same accused individual;
 - history of arrests or records from a prior school indicating a history of violence;
 - whether the accused has threatened further violence;
 - whether the sexual violence was committed by multiple perpetrators;
 - whether the sexual violence was perpetrated with a weapon;
 - whether the victim is a minor;
 - whether the College possesses other means to obtain relevant evidence of the sexual violence (e.g., security cameras or personnel, physical evidence); and
 - whether the victim's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

Statement Against Retaliation

An individual who has engaged in a protected activity is protected against retaliation. A protected activity consists of the following: 1) opposing a practice made unlawful by one of the employment discrimination statutes; or 2) filing a charge, testifying, assisting, or participating in any manner in an investigation, proceeding, or hearing under the applicable statute.

Any individual who believes they are the victim of retaliation as described above, may file an oral or written complaint of retaliation with the Title IX Coordinator(s) or designee. The complaint of retaliation will be addressed in accordance with the provisions of the Equal Opportunity and Non-Discrimination Policy (Policy 3.02), Sexual Harassment and Harassment Free Workplace Policy (3.03) and Student/Employee Grievance Procedures Policy (6.14/10/23). The complaint of retaliation will be treated as a new and separate complaint.

Investigative Process - Overview

Except in those cases where the student has contacted a strictly confidential resource, the College will conduct a prompt, thorough, and fair investigation and will take appropriate measures to terminate the misconduct, prevent its recurrence and address its effects. After the complainant has provided the appropriate information, the Title IX Coordinator(s) or designee will conduct an investigation as appropriate to determine whether there has been a violation of Quincy College's policy. The Title IX coordinator will be qualified in accordance to annual training requirements and will not have a conflict of interest in regard to the investigation.

In accordance with VAWA, the College will provide timely notice of meetings and decisions to the parties involved. The accused and victim(s) will be provided timely access to information found in the investigative process to be used in disciplinary proceedings. The investigation time

frame is subject to extension with good cause and with written notice to the accused and victim(s).

Once a finding or decision is made by the College, the College will communicate and document the rationale of the decision. This response may include formal disciplinary action, which may be instituted by an individual complainant or the College itself. The sanctions of disciplinary suspension and disciplinary expulsion will be strongly considered when a student is found to have violated any part of the sexual misconduct provisions of this policy.

Both the complainant and the respondent have the right to present witnesses. All individuals (i.e., employees, students, contractors, visitors) are expected to fully cooperate in the procedure. An unwillingness to cooperate by an individual may result in a sanction(s). The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. When the Title IX Coordinator(s) or designee has completed the investigation he/she will, to the extent appropriate, inform the person filing the complaint and the respondent of the results of that investigation.

When possible, the investigation will be completed within sixty (60) days of the complaint with all appropriate information being filed. If it is determined that more than sixty (60) days is necessary to conduct a complete investigation, the complainant and the respondent will be notified.

If the Title IX Coordinator(s) or designee determines that inappropriate conduct has occurred, he/she will recommend corrective action to the Vice President of Academic Affairs in the case of a student, or to the individual's supervisor and the Vice President of Human Resources responsible for the appropriate work unit in the case of an employee. Disciplinary or other action will be approved by the appropriate Vice President consistent with disciplinary action procedures of this policy.

No complainant will be required to have direct interaction with an alleged perpetrator in any informal resolution or mediation involving a complaint of sexual assault.

It is the intention of Quincy College that the process described herein be the sole process for investigating complaints of sexual misconduct, sexual harassment, or retaliation. Nothing in these procedures is intended to interfere with Quincy College's right to investigate and take appropriate action with respect to any other conduct or behavior. Quincy College reserves the right to discipline members of the Quincy College community who bring false complaints of discrimination. No complaint will be considered "false" solely because it cannot be corroborated.

Notification

All parties must be notified simultaneously and in writing of:

- a) the result of the disciplinary proceeding;
- b) any appellate procedures available (which will be available to both parties);
- c) any change to the result that may occur prior to the time that the result becomes final;
- d) when the results become final.

Hearings and Proceedings

In accordance with VAWA, the College will allow all parties to have advisors present during hearings and proceedings. The College cannot restrict the choice of an advisor(s), but may restrict the amount of their participation, so long as it is restricted equally between the parties involved. For example, if the College permits one party to submit third-party expert testimony, it must do so equally for both parties.

Submission of Evidence

Evidence to be presented by complainant(s) and respondent(s) during any hearing on the charges must be shared with the opposing party at least two (2) business days in advance of the scheduled hearing. The Quincy College official presiding at and/or hearing the case may exclude evidence that has not been shared or adjourn the hearing to afford all parties the opportunity to review evidence to be presented during the hearing. The Quincy College official presiding at and/or hearing the case will make the final decision relating to the admissibility of all evidence.

Interim Measures during an Investigation

While an investigation or grievance proceeding is pending, Quincy College will take interim measures as appropriate under the circumstances to assist or protect persons who were or may have been subjected to sexual misconduct. Interim measures may include, for example, changing the class schedule or work schedule of the person who was subject of the alleged misconduct and/or the person alleged to have committed the misconduct, issuing a no-contact order, or similar action. Such measures may also include connecting the persons who were or may have been subjected to sexual misconduct with counseling, health care, academic support, or other resources.

Standard of Evidence

The burden of proof in all cases is “the preponderance of the evidence” – whether it is “more likely than not” that the sex discrimination, dating violence, domestic violence, sexual assault, or stalking occurred. If the evidence presented meets this standard, then the respondent must be found responsible.

Potential Disciplinary Outcomes

Those found to be in violation of Quincy College’s discrimination or harassment or retaliation policy will be subject to disciplinary sanctions. Disciplinary sanctions shall be based on the nature and severity of the offense as well as any record of prior disciplinary action imposed on the respondent. In general, sanctions may include, but are not limited to, one or more of the following: public apologies, public reprimands, written warnings, letters of reprimand, attendance at appropriate workshops, suspensions, expulsion, and, in the case of employees, suspension, denial of merit pay for a specified period of time, involuntary demotion, removal from administrative or supervisory duties, and/or termination of employment.

In investigating complaints under this procedure, Quincy College may impose discipline for inappropriate conduct without regard to whether the conduct constitutes a violation of the law and may take corrective action even if the conduct does not rise to the level of violating Quincy College’s sexual misconduct or retaliation policies.

Appeal Process

Both a complainant and a respondent who is aggrieved by disciplinary action imposed as a result of an investigation may, within ten (10) working days of the imposition of the action by the appropriate Vice President, file a written appeal to the President. The President or designee will review the results of the Title IX Coordinator(s) or designee's investigation, the decision of the Vice President, and the discipline imposed and within ten (10) working days will make a final decision regarding the appeal. Nothing in these procedures is intended to interfere with the right of any member of the Quincy College community to utilize other applicable grievance or appeal procedures following the imposition of corrective action. An appeal must be in writing and must be based on a credible claim that:

- a) The investigation was not conducted in conformity with the prescribed procedures; or
- b) New information that was reasonably unknown at the time of the investigation, and which is sufficiently relevant that it could alter the College's decision had it been discovered.

Alternative Resolution Options

Some complainants may wish to explore informal alternatives, which may involve, but are not limited to, one or more of the following:

- a) the Title IX Coordinator(s) or designee may counsel the complainant concerning options for responding to the problem on his/her own initiative, for example through oral or written communication with the respondent or the respondent's department head/supervisor (in the case of an employee) or an appropriate administrator (in the case of a student);
- b) the Title IX Coordinator(s) or designee may arrange for a meeting(s) and/or distribution of relevant policy statements and/or other forms of educational materials to the appropriate department, etc.;
- c) if both complainant and respondent agree, the Title IX Coordinator(s) or designee may arrange and facilitate a meeting between the parties in an attempt to reach a mutually acceptable resolution; or
- d) other options may be pursued which are consistent with applicable laws and/or Quincy College policies and procedures.

Note: Although the informal options above are available, it is at the complainant's discretion as to whether or not to explore these informal alternatives. A complainant who wishes to explore these informal alternatives may, in the complainant's sole discretion, bypass an informal process for a formal process at any point.

Quincy College – Sexual Misconduct Policy and Procedures

Resources for Immediate and Ongoing Assistance

On Campus Resources: Any student or employee of Quincy College who reports an incident will be provided with a copy of the appropriate policies, instructions regarding options for moving forward and a list of resources available for assistance.

Mary E. Scott, Title IX Coordinator
Phone: (617) 984-1768
Email: MScott@QuincyCollege.edu
Office: President's Place, Suite 706N

Maureen Savage, Deputy Title IX Coordinator
Phone: (617) 984-1690
Email: MSavage@QuincyCollege.edu
Office: President's Place, Room 429

Susan Bossa, Title IX Coordinator
Phone: (617) 984-1656
Email: SBossa@QuincyCollege.edu
Office: President's Place, Room 509

Mary Burke, Dean of Plymouth Campus
Phone: (508) 747-0400
Email: MBurke@QuincyCollege.edu
Office: Plymouth Campus

Stephen Kearney, Code of Conduct Officer
Phone: (617) 984-1734
Email: SKearney@QuincyCollege.edu
Office: President's Place, Suite 706N

Community Resources

For immediate emergency and medical assistance call 911. The Crisis Hotline can also be called 800-656-HOPE (4673).

Go to an urgent care center (e.g., a hospital)

- Receive help for physical injuries.
- Screen for STDs/pregnancy.
- If possible, do not shower or clean up. Do not change clothes. Hospital staff can collect evidence using a rape kit.
- If you want to file a police report, you can call the police from the emergency room.
- Ask about the nearest rape crisis center.

If you are in an abusive relationship, it is important to create a safety plan. Domestic violence advocates and teen dating abuse advocates are people who are trained to help you create a safety plan. Advocates can:

- Figure out ways for you to leave an abuser
- Discuss how to deal with emergencies
- Suggest safe places to go, such as a shelter or the home of a friend or family member where your abuser might not look
- Help you learn about a court order of protection, which requires your abuser to stay away from you
- Suggest services and provide support

Additionally you can do any or all of the following:

- **Calling the police.** If you are in immediate danger, call 911.
- **Calling hotlines.** Learn more about different [help hotlines](#). Hotlines provide support and resources. They also can help you create a [safety plan](#) for leaving an abuser.
- **Reaching out to people you trust.** People who care want to help. You can start with family, friends, or community organizations.
- **Talking to a health care professional.** Doctors, nurses, and counselors can offer physical aid, emotional support, and resources. Go to a hospital emergency room if you need immediate help for injuries.
- **Contacting an advocate.** Advocates are people who are trained to help someone who has lived through domestic violence, dating violence, or sexual assault. You can talk to an advocate on the phone or in person, confidentially and for free. Advocates can explain options and programs in your community that may include legal support, counseling, emergency services, and other resources. You can learn more by calling [help hotlines](#) such as the [National Domestic Violence Hotline](#) at 800-799-SAFE (7233) or the [National Teen Dating Abuse Helpline](#) at 866-331-9794.

Abuse and Assault Hotlines

- DOVE (Domestic Violence Ended) Crisis Hotline: 617-471-1234 or 888-314-3683
- Llamos y Hablamos: Spanish Language Sexual Abuse Hotline: 800-223-5001
- A New Day: Sexual and relationship abuse Hotline: 888-293-7373
- Parental Stress Hotline: 800-632-8188
- Safelink: Massachusetts 24/7 domestic violence Hotline: 877-758-2020
- South Shore Women's Resource Center: Domestic Violence Hotline: 888-746-2664
- Victim Assistance Program Hotline: 508-583-3306

Counseling Services

Please be advised that Quincy College does not endorse any of the organizations below. This guide serves merely as a resource to students, and the choice in providers and assistance is solely the responsibility of the student.

- **Crisis Line**
South Shore Mental Health, Quincy
Crisis line: 617-774-6036 or 800-528-4890
- **Bay State Community Services**
13 Temple Street, Quincy, MA 02169
617-471-8400; www.Baystatecs.org
Accepts many insurances plans including MassHealth and Commonwealth Care plans
- **The Door Is Open Counseling Center**
1245 Hancock Street, Suite 25, Quincy, MA 02169

Quincy College – Sexual Misconduct Policy and Procedures

485 Nantasket Avenue, Unit C, Hull, MA 02169
781-925-2423; www.DoorIsOpen.net
Accepts many insurances plans including MassHealth and Commonwealth Care plans

- ***Maria Droste Services***
1354 Hancock Street, Quincy
617-471-5686; <http://mariadrosteservices.org/>
Sliding fee available
- ***New Directions Counseling Center***
Interfaith Social Services
105 Adams Street, Quincy, MA 02169
617-773-6203 x12; www.InterfaithSocialServices.org
Accepts most insurance plans including MassHealth, Commonwealth Care, and a sliding fee
- ***South Bay Mental Health***
administrative office in Brockton; many local locations
CONTACT INFO
- ***Weymouth Clinic***
541 Main Street, Suite 303, Stetson Building, Weymouth, MA 02190
781-331-7866;
www.southbaymentalhealth.com
Accepts many insurances plans including MassHealth and Commonwealth Care plans
- ***South Shore Mental Health***
460 Quincy Avenue, Quincy
Crisis Team: contact 617-774-6036
617-847-1950; <http://www.ssmh.org/consumers.htm>
Accepts many insurances plans including MassHealth and Commonwealth Care plans
- ***Volunteers of America Family Counseling Center***
1419 Hancock Street, Quincy
617-770-9690; www.voamass.org
Accepts most insurance plans including MassHealth and most Commonwealth Care programs
- ***Wellspring Counseling Services***
814 Nantasket Ave., Hull, MA 02045
781-925-3211; www.wellspringhull.org
Provides free counseling services; specializes in domestic violence; free legal counsel available

State and Federal Reporting Remedies for Employees

Employees who believe they have been subjected to harassment may file a complaint with the respective state agency and/or the United States Equal Employment Opportunity Commission (EEOC). Using Quincy College's complaint process does not prohibit an employee from filing a complaint with these agencies. Each agency has a specific time period for filing a claim: the EEOC allows 300 days (maybe longer in some circumstances); and the Massachusetts Commission Against Discrimination (MCAD) allows 300 days from the alleged incident or when the complainant became aware of the incident.

U.S. Equal Employment Opportunity Commission (EEOC)

John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
Phone 1-800-669-4000
Fax 617-565-3196
TTY 1-800-669-6820

Massachusetts Commission Against Discrimination (MCAD)

Boston Office:

One Ashburton Place, Room 601
Boston, MA 02108
Phone 617-994-6000
TTY 617-994-6196

Springfield Office:

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

Students may also file complaints with the Massachusetts Commission Against Discrimination at the address listed above or with the United States Department of Education's Office for Civil Rights (OCR). The OCR allows 180 days (maybe longer in some circumstances) from the alleged incident or when the complainant became aware of the incident for filing a claim.

Office for Civil Rights (OCR)

U.S. Department of Education
33 Arch Street, Suite 1030
Boston, MA 02110-1490
Telephone: 617-289-0100
Fax: 617-289-0151

Other Helpful Links

[Massachusetts State Law on Rape and Sexual Assault](#)

[Massachusetts State Law about Sex](#)

[Massachusetts State Law on Sexual Harassment](#)

[Massachusetts Law About Domestic Violence](#)

Womenshealth.gov

Notalone.gov

[Bestcolleges.com - The Realities of Sexual Assault on Campus](#)



Quincy College Student Complaint Form

Please complete this form and return it to the Title IX Coordinator at Presidents' Place on the Quincy campus or the Dean of the Plymouth Campus on the Plymouth campus.

Mary E. Scott, Title IX Coordinator
Phone: (617) 984-1768
Email: MScott@QuincyCollege.edu
Office: President's Place, 7th Floor

Maureen Savage, Deputy Title IX Coordinator
Phone: (617) 984-1690
Email: MSavage@QuincyCollege.edu
Office: President's Place, Room 429

Susan Bossa, Title IX Coordinator
Phone: (617) 984-1656
Email: SBossa@QuincyCollege.edu
Office: President's Place, Room 509

Mary Burke, Dean of Plymouth Campus
Phone: (508) 747-0400
Email: MBurke@QuincyCollege.edu
Office: Plymouth Campus

When the form has been completed and signed, and then signed by the Title IX Coordinator, Code of Conduct Officer or other appropriate representative from the College, your complaint has been properly received and noted by the College. We will provide you with a copy of this form as well as complete information about the complaint process.

For those students who are not able to hand deliver this form (i.e. distance education students) in person to the Title IX Coordinator or the Dean of the Plymouth Campus, please submit the form online with appropriate signature using your assigned Quincy College email. The Title IX Coordinator will contact you to verify that your complaint has been properly received and noted by the College.

If you should any questions, please feel free to contact any of the Title IX Coordinators.

QC ID (if assigned): _____

Name: _____
Last First M.I.

Address: _____

City: _____ **State:** _____ **Zip Code:** _____

Telephone Number(s): _____

E-mail: _____

Who is your complaint against

Check one or more:

- | | | |
|--|---|--|
| <input type="checkbox"/> Faculty Member | <input type="checkbox"/> Staff | <input type="checkbox"/> Student |
| <input type="checkbox"/> College Department | <input type="checkbox"/> Quincy College | <input type="checkbox"/> Administrator |
| <input type="checkbox"/> Other (Please explain): | | |
-
-

Type of Complaint

Check one or more:

- | | | |
|--|--------------------------------------|---|
| <input type="checkbox"/> Age | <input type="checkbox"/> Pregnancy | <input type="checkbox"/> Sexual Harassment |
| <input type="checkbox"/> Disability | <input type="checkbox"/> Race | <input type="checkbox"/> Sexual Orientation |
| <input type="checkbox"/> Gender | <input type="checkbox"/> Religion | <input type="checkbox"/> Sexual Assault |
| <input type="checkbox"/> National Origin | <input type="checkbox"/> Retaliation | <input type="checkbox"/> Veteran Status |
| <input type="checkbox"/> Other (Please explain): | | |
-
-

Complaint

Describe your complaint. Please summarize below and attach additional pages describing your complaint if necessary.

Name of person or entity you believe discriminated against you and why you have contact with them (e.g. supervisor, co-worker, faculty, classmate).

Describe the corrective action you are seeking. Attach additional pages if necessary.

For retaliation complaints, please explain why you believe someone retaliated against you:

Witnesses to Complaint

The relationship information requested means co-worker, supervisor, customer, student(s), faculty, Dean, Administrator etc.

Name	Relationship	Telephone
Name	Relationship	Telephone
Name	Relationship	Telephone

I certify the aforementioned is true and correct.

Signature of Complainant	Date
--------------------------	------

For Staff Use Only:

Received by: _____
Name Title

Administrative Follow-up (steps taken):

Final Results:

Intake Checklist

Student's Name: _____
Last First M.I.

Quincy College Student ID: _____

I have advised and given written notification to the Complainant of:

- The availability of Quincy College and community resources including:
 - Student Success Coaches
 - Licensed Mental Health Counseling
 - Victim Services Organizations
 - Legal Assistance
 - Visa and Immigration Assistance_____ Initials of QC Official

- Quincy College Sexual Misconduct Policy and Procedures in Accordance with the Violence Against Women Act (**Policy XX.X**) _____ Initials of QC Official

- The availability of interim measures and campus resources including:
 - Title IX Coordinator contact information
 - Code of Conduct Office contact information_____ Initials of QC Official

I certify that I have provided the student/complainant written notification of resources.

Signature of College Official Receiving Complaint Date

Signature of College Official Adjudicating Complaint Date