

# Quincy College



## Sexual Harassment Policy and Procedures

Updated: 8/7/2020

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### Sexual Harassment Policy

Quincy College is committed to providing a productive learning environment in which students can pursue their educational goals. Sexual harassment 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 harassment. Quincy College students are prohibited from engaging in sexual harassment, 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 harassment as set forth in Title IX of the Education Amendment Act of 1972, the Violence Against Women Act and its Reauthorization, the Campus SaVE Act, the Clery Act, and other related laws.

Quincy College does not discriminate on the basis of sex in the education program or activity that it operates. This requirement not to discriminate in the education program or activity extends to admission and employment. Inquiries about the application of Title IX may be referred to the Title IX Coordinator, to the Assistant Secretary of the United States Department of Education, or both.

### Violence Against Women Act (VAWA)

The Violence Against Women Reauthorization Act (VAWA), which President Obama reauthorized 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 complainants 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 harassment 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 complainants 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>

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- **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).

### Dating Violence

Dating violence is defined by:

- A reference to a violent crime
- Committed by
  - A person who is or has been in a social relationship of a romantic or intimate nature with the complainant. The existence of the relationship shall be determined based on the complainant's statement with consideration of the length of the relationship, the type of the relationship, and frequency of the relationship.
  - Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

### 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 complainant
  - Person cohabitating with or has cohabitated with the complainant as a spouse or intimate partner

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- By a person similarly situated to a spouse of the complainant under the domestic or family violence laws of Massachusetts in which the crime of violence occurred
- By any other person against an adult or youth complainant who is protected from that person's acts under the domestic or family violence laws of Massachusetts in which the crime of violence occurred

### 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 harassment 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
- 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
  - is under the legal age to give consent
  - 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
- 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.

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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. 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
- 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.

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

It includes offenses classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

### Sexual Harassment

In the employment context, sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment under Massachusetts law when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's advancement (quid pro quo harassment);
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions;
- Such conduct interferes with an individual's job duties; or
- The conduct creates an intimidating, hostile or offensive work environment.

In the educational context, sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct ("quid pro quo harassment");
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity ("hostile environment harassment"); or
- "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30) and sexual exploitation

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 harassment 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 harassment can be committed by persons of any gender identity, and it can occur between people of the same or different sex.

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.

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*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.

### 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

### Actual knowledge

Actual knowledge means notice of sexual harassment or allegations of sexual harassment to a recipient's Title IX Coordinator or any official of the recipient who has authority to institute corrective measures on behalf of the recipient. Imputation of knowledge based solely on

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vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the recipient with actual knowledge is the respondent. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the recipient. Notice includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator

### Administrative leave

Administrative leave means placing an employee on leave pursuant to state law. Nothing in the Title IX regulations precludes a recipient from placing a non-student employee respondent on administrative leave during the pendency of a grievance process, provided that Massachusetts laws are followed.

### Deliberate indifference

Deliberate indifference means a response to sexual harassment that is clearly unreasonable in light of the known circumstances.

### Emergency removal

Emergency removal means the suspension or expulsion of a student on an emergency basis, consistent with state law. Nothing in the Title IX regulations precludes Quincy College from removing a respondent from Quincy College's education program or activity on an emergency basis, provided that Quincy College follows all procedures under Massachusetts law, undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.

### Formal complaint

Formal complaint means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment and requesting that Quincy College investigate the allegation of sexual harassment.

### Complainant

Complainant means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

### Respondent

Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

### Supportive measures

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's

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education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. Quincy College must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

### Training for the College Community

The Senior Vice Presidents, Vice Presidents and Associate Vice Presidents, 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 harassment.

Quincy College will ensure that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receive training on the definition of sexual harassment, the scope of the recipient's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

Quincy College will ensure that decision-makers receive training on any technology to be used in interviews and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.

Quincy College also must ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. In accordance with VAWA, investigators will receive harassment least annual training related to sexual crimes and the college's investigative procedures.

Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment.

These training materials will be posted on Quincy College's website.

### 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:

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- 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;
- 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
- Policy handouts
- Sexual harassment workshops – provided by Student Success Coaches

Training for new employees will occur through material such as:

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

The trainings will include a statement of the prohibited offenses, the definition of those offenses, the definition of consent, “safe and positive” options for bystander intervention an individual may take to “prevent harm or intervene” in risky situations, recognition of signs of abusive behavior and how to avoid potential attacks and ongoing prevention and awareness campaigns for students and faculty on all of the above.

### 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
- 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
- Student Success Coaching Office awareness workshops.

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### Sexual Harassment Policy Applicability

The Quincy College sexual harassment policy shall apply to sexual harassment which is alleged to occur in the school's programs and activities, including locations, events, and/ or circumstances in which Quincy College exercises substantial control, in a way that is not deliberately indifferent.

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 under separate policies and procedures 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 harassment. Bystanders can help in several different ways, including direct invention, seeking assistance from an authority figure, notifying campus security, or calling State or local law enforcement.

If you see an act of sexual harassment: 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 harassment 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 complainant confides in you: It is important to let the complainant 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 complainant identify others in their network who they can confide in. Ask the complainant 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 complainant 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 complainant in seeking the help they require to move forward.

### Recognizing Signs of Abuse

Behavioral signs or changes may indicate sexual abuse and can include<sup>1</sup>:

- Anxiety
- Depression

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<sup>1</sup> Darknesstolight.org - [http://www.d2l.org/site/c.4dICIJOKGcISE/b.7938027/k.6B67/Signs\\_of\\_Sexual\\_Abuse.htm](http://www.d2l.org/site/c.4dICIJOKGcISE/b.7938027/k.6B67/Signs_of_Sexual_Abuse.htm)

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- 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, or 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

### Rights of the Complainant

Quincy College is committed to 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 Harassment Procedures

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

Quincy College will respond promptly in a manner that is not deliberately indifferent when it has actual knowledge of sexual harassment in an education program or activity of against a person in the United States. An education program or activity'' includes locations, events, or circumstances over which Quincy College exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by Quincy College.

### Reporting Procedures

- 1) Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the complainant of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator. The Title IX Coordinator(s) is:

Jennifer Luddy, Senior Vice President of Enrollment Management and Strategic Planning  
Office Address: 7<sup>th</sup> Floor Presidents Place  
jluddy@quincycollege.edu  
(617) 984-1657

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- 2) Upon receiving actual notice of alleged sexual harassment, the Title IX Coordinator will contact the complainant within five business days of receiving the complaint and do the following:
  - Discuss and offer supportive measures;
  - Consider the complainant’s wishes with respect to supportive measures;
  - Explain that supportive measures may be received with or without filing a formal complaint;
  - Determine whether the complainant wishes to file a formal complaint; and
  - Explain to the complainant the purpose of filing a formal complaint.

The Title IX Coordinator will document in writing the supportive measures offered/provided or why no supportive measures were offered/provided. Complainant and respondents, as appropriate, must be offered supportive measures even if they do not file a formal complaint or notify law enforcement.

Although Quincy College will not investigate complaints of dating violence, domestic violence, sexual assault or stalking that occurred off-campus, the Title IX Coordinator will provide the complaints with information on supportive measures, the importance of preserving evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order, how and to whom the alleged offense should be reported options about the involvement of law enforcement and campus authorities, information about how Quincy College will protect the confidentiality of complainants and notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community.

- 3) If the complainant declines to file a formal complaint, the Title IX Coordinator must consider whether to sign a formal complaint and start an investigation despite the complainant’s preferences. This decision may be appropriate when safety or similar concerns lead Quincy College to conclude that a non-deliberately indifferent response to actual knowledge of Title IX sexual harassment could reasonably require Quincy College to investigate and potentially sanction a respondent. A Title IX Coordinator’s decision to override the complainant’s decision not to file a formal complaint must be documented in writing along with an explanation of why this decision was necessary in order to avoid deliberate indifference.

### Formal Complaint

- 1) There is no time limit or statute of limitation on timing to file a formal complaint. However, at the time of filing a formal complaint, a complainant must be participating or attempting to participate in a program or activity of Quincy College. Additionally, Quincy College has discretion to dismiss a formal complaint where the passage of time would result in Quincy College’s inability to gather evidence sufficient to reach a determination regarding responsibility, or when Quincy College

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loses responsibility for the respondent (e.g., the respondent no longer attends or is employed by Quincy College).

- 2) If the conduct alleged in the formal complaint would not constitute sexual harassment as defined in this policy even if proved, did not occur in Quincy College’s education program or activity, or did not occur against a person in the United States, then the Quincy College must dismiss the formal complaint under these procedures, but could investigate it under other policies and procedures. Additionally, Quincy College may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing: A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; the respondent is no longer enrolled or employed by Quincy College; or specific circumstances prevent Quincy College from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein. Quincy College will send written notice of any dismissal to both the respondent and complainant.
- 3) Quincy College may consolidate formal complaints as to allegations of sexual harassment 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 harassment arise out of the same facts or circumstances. Where a grievance process involves more than one complainant or more than one respondent, references in this policy to the singular include the plural, as applicable.
- 4) The Senior Vice President for Academic Affairs will be notified whenever the person accused of sexual harassment or retaliation through a formal complaint is a Quincy College student.
- 5) The complainant should provide the following information for a formal complaint :
  - 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 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).

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- f) A statement affirming that the complainant desires to file a formal complaint and have Quincy College investigate the allegations.

Quincy College will maintain as confidential any supportive measures provided to the complainant, to the extent that maintaining such confidentiality would not impair the ability of Quincy College to provide supportive measures.

#### Statement Against Retaliation

An individual who has engaged in a protected activity is safeguarded against retaliation. No one may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by title IX or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this part. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by title IX constitutes retaliation.

Any individual who believes they are the complainant 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 this policy. The complaint of retaliation will be treated as a new and separate complaint.

#### Investigative Process - Overview

The College will conduct a prompt, thorough, and fair investigation and will take appropriate measures to terminate the harassment, prevent its recurrence and address its effects after a formal complaint is filed.

Investigations to allegations of sexual harassment will be completed within a sixty day timeframe where feasible. There may be a temporary delay of the grievance process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

#### Written Notice

Before any investigation can begin, Quincy College will send written notice to both parties including sufficient details. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known. The written notice will include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process. The written notice must inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence. The written notice must inform

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the parties that Quincy College's code of conduct prohibits knowingly making false statements or knowingly submitting false information during the grievance process. The written notice must provide notice of the grievance process, including any informal resolution.

If additional allegations are added during the course of the investigation, additional written notice will be provided.

### Informal Resolution

Where appropriate, after notice of the formal complaint has been issued, the Title IX Coordinator should also consider offering the parties an option for informal resolution (e.g., mediation).

Informal resolution may only be offered after a formal complaint is filed, and the parties must give written consent to engage in this process. Informal resolution may not be used if the allegation is against an employee respondent and student complainant. Facilitators of informal resolution will be designated by the Title IX Coordinator and must not be biased against any of the parties.

Informal resolution is entirely voluntary. Complainants may elect to pursue formal procedures at any step in the process of making their complaint, even if informal resolution has already begun. Similarly, respondents may elect to follow formal procedures and decline informal resolution.

If the complainant and the respondent feel that their grievances have been sufficiently addressed via informal resolution, then no further action needs to be taken. This voluntary conversation must occur within five (5) school days after receiving the complaint of discrimination or harassment, unless both parties agree otherwise. The results of an informal resolution shall be maintained by the facilitator, in writing.

If the complainant is not satisfied with the resolution from the informal process, or if he/she does not choose informal resolution, then he/she can begin the investigation described below.

### Investigation Procedures

If informal resolution is not accepted by the parties, the Title IX Coordinator will designate an investigator and a decision maker, who may not be the same person. The Title IX Coordinator is free to cast himself/ herself in either role, where appropriate. The investigator and decision maker must not be biased against any of the parties at the outset of the investigation or have a conflict of interest.

The investigator will bear the burden of gathering evidence and be responsible for interviewing parties and witnesses, finding facts, and making determinations related to credibility, all of which will go into a written report. Both the complainant and the respondent have the right to present witnesses and evidence, including fact and expert witnesses and other inculpatory and exculpatory evidence. 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). When identifying potential witnesses, the parties should understand that the purpose of interviews is to gather and assess information about the incident(s) at issue in the complaint, not to solicit general information about a party's character.

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The investigator will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

The investigator must avoid all questions that are protected by legal privilege, unless the privilege has been waived, and should avoid asking about the complainant's sexual history unless it is directly relevant to prove consent to the conduct at issue or to prove that the conduct was committed by someone other than the respondent.

The investigator must avoid making any final determinations of responsibility for sexual harassment. The investigator will conduct an objective evaluation of all relevant evidence—including both inculpatory and exculpatory evidence. Findings should be written in a factual way in an investigative report. Credibility determinations may not be based on an individual's status as complainant, witness, or respondent.

During the investigative process and any further hearings, complainants and respondents have a right to have advisors of their choice participate in all aspects of the proceedings, but the advisor should not intervene during the questioning of witnesses or ask witnesses questions during the investigation. Quincy College will provide both parties with written notice of investigative interviews, meetings, and hearings, with sufficient time to prepare.

There will be a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

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

The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances.

Prior to completion of the investigative report, Quincy College will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least ten (10) days to submit a written response, which the investigator will consider prior to completion of the investigative report. Quincy College will further make such evidence available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

After providing an opportunity for a written response, the investigator will issue a written report to the complainant and responded with the factual findings, to which either party can respond.

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## Hearings

After issuing the investigative report, Quincy College will conduct a live hearing.

At the live hearing, the decision-maker(s) must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally. If a party does not have an advisor present at the live hearing, Quincy College will provide without fee or charge to that party, an advisor of Quincy College's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party. Quincy College will not provide an advisor during the investigative stages.

At the request of either party, Quincy College will provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker(s) and parties to simultaneously see and hear the party or the witness answering questions. Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the decision-maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. If a party or witness does not submit to cross-examination at the live hearing, the decision-maker(s) must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions. Quincy College will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.

After the hearing, the decision-maker(s) will issue a written finding to both parties simultaneously with the following information:

- (A) Identification of the allegations potentially constituting sexual harassment;
- (B) A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- (C) Findings of fact supporting the determination;
- (D) Conclusions regarding the application of Quincy College's code of conduct to the facts;
- (E) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the recipient imposes on the respondent, and whether remedies designed to restore or preserve equal access to Quincy College's education program or activity will be provided by Quincy College to the complainant;

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- (F) Quincy College’s permissible bases for the complainant and respondent to appeal; and
- (G) When the decision becomes final. The determination regarding responsibility becomes final either on the date that the recipient provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

It is the intention of Quincy College that the process described herein be the sole process for investigating 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 sexual harassment. No complaint will be considered “false” solely because it cannot be corroborated.

### Exclusion

These procedures do not limit Quincy College from removing a student or employee from a program or activity on an emergency basis based on immediate threats to people’s physical health or safety or placing an employee on administrative leave during the pendency of the investigation.

### Standard of Evidence

The standard of proof in all cases is “the preponderance of the evidence” – whether it is “more likely than not” that the sex discrimination or harassment 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. It can also include no contact orders, disciplinary probation, restrictions from campus, educational activities or reflections, fines, restitution, counseling, and service to the community.

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 harassment or retaliation policies.

### Remedial Measures

Quincy College, through the Title IX Coordinator, will provide remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent.

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Remedies will be designed to restore or preserve equal access to Quincy College's education program or activity. Such remedies may include supportive measures.

### Appeal Process

Both a complainant and a respondent who is aggrieved by the hearing may, within ten (10) working days of the written decision file a written appeal to the President.

Quincy College will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties. Both parties will have ten (10) days to submit a written statement in support of, or challenging, the outcome.

The President or a designee, as a further impartial decision-maker, will review the comprehensiveness and accuracy of the decision-maker(s), and issue written findings to both the complainant and respondent within thirty (30) working days of the appeal.

A party may appeal the findings of the formal procedure or a dismissal on the following bases:

- (A) Procedural irregularity that affected the outcome of the matter;
- (B) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- (C) The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

### Records

A record will be maintained for a period of seven years of any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment and Quincy College will document the basis for its conclusion that its response was not deliberately indifferent.

Quincy College will further maintain for seven years all materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.

### Additional Options

Sexual harassment may be criminal in nature, and a student may choose to file a report with law enforcement. It is not required. A report to law enforcement will not change the College's obligation to potentially investigate the matter but it may briefly delay the timing of the investigation if a law enforcement agency requests that the College delay its process for a reasonable amount of time to allow it to gather evidence of criminal conduct. Quincy College staff or Campus Security will assist the alleged complainant in notifying law enforcement if the complainant so chooses.

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In addition to Quincy College’s supportive measures, complainants of stalking, dating and domestic violence, or any other violence/crime can seek orders of protection from both the criminal courts.

### 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,

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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
- Complainant 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](http://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  
485 Nantasket Avenue, Unit C, Hull, MA 02169  
781-925-2423; [www.DoorIsOpen.net](http://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](http://www.InterfaithSocialServices.org)  
*Accepts most insurance plans including MassHealth, Commonwealth Care, and a sliding fee*
- **South Bay Mental Health**

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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](http://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](http://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:

Springfield Office:

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

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  
8<sup>th</sup> Floor  
5 Post Office Square  
Boston, MA 02109-3921  
Telephone: (617) 289-0111  
Facsimile: (617) 289-0150  
[Email: OCR.Boston@ed.gov](mailto:OCR.Boston@ed.gov)

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 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.

When the form has been completed and signed, the formal complaint process would begin. 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:** \_\_\_\_\_

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**Who is your complaint against**

Check one or more:

- Faculty Member                       Staff                       Student  
 College Department               Quincy College               Administrator  
 \_\_\_\_\_ Other                      (Please \_\_\_\_\_ explain):

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**Complaint**

**Describe your complaint, including the time, date and location of any incidents. Please summarize below and attach additional pages describing your complaint if necessary.**

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

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

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

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**Witnesses to Complaint**

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

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Name	Relationship	Telephone
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Name	Relationship	Telephone
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Name	Relationship	Telephone
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I am interested in informal resolution. Yes No

**I request that Quincy College investigate this formal complaint.**

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Signature of Complainant	Date
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The Title IX Coordinator will be initiating a formal complaint for the following reasons:

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Signature of Title IX Coordinator	Date
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**For Staff Use Only:**

Received by: \_\_\_\_\_  
Name Title

**Administrative Follow-up (steps taken):**

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**Final Results:**

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**Complaint 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
  - Complainant Services Organizations
  - Legal Assistance
  - Visa and Immigration Assistance
- \_\_\_\_\_ Initials of QC Official
- Quincy College Sexual Harassment Policy and Procedures in Accordance with the Violence Against Women Act and the ability to file a formal complaint
- \_\_\_\_\_ Initials of QC Official
- The availability of supportive measures: Quincy College is providing the following supportive measures or not providing supportive measures for the following reasons: \_\_\_\_\_
- \_\_\_\_\_ Initials of QC Official

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

\_\_\_\_\_  
Signature of College Official Receiving Complaint Date