



Title IX Sexual Harassment Policy

ACADEMIC YEAR 2023 - 2024

LABOURÉ COLLEGE OF HEALTHCARE

Labouré

COLLEGE OF HEALTHCARE

TITLE IX SEXUAL HARASSMENT POLICY

Academic Year 2023-2024

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I. Labouré Values and Purpose of Policy

A. Statement of Institutional Values

Labouré College of Healthcare (“Labouré” or the “College”) is committed to establishing and maintaining an educational and employment environment that is free from sexual harassment, as defined below. This policy governs investigations and determinations of claims of sexual harassment that would, if proven, constitute a violation of Title IX. Claims of sex discrimination that would not violate Title IX, if proven, will be considered under the College’s Non-Discrimination Policy.

Sexual harassment is a violation of a person’s rights, dignity, and integrity, and is contrary to the mission and values of the College. Acts of sexual harassment are strictly prohibited and will not be tolerated.

The College takes all sexual harassment seriously and is committed to providing information, education, resources, support, interim supportive measures, and direction to the Labouré community to prevent and address sexual harassment. In response to a Formal Complaint, as defined below, that a member of the Labouré community has engaged in sexual harassment, the College will take all appropriate steps to eliminate the harassment, prevent its recurrence, and address its effects. The College will investigate all Formal Complaints of sexual harassment to better understand the experiences of each individual involved and to provide for fair and impartial evaluation and resolution.

The College is committed to establishing and maintaining an environment free of all forms of sexual harassment. Sexual harassment, as defined in this policy, is a form of sex discrimination that unjustly deprives a person of equal treatment. It is prohibited by Title IX of the Educational Amendments of 1971, a federal law that provides that:

No person in the United States shall, on the basis of sex, be excluded from participation in, or be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

Sexual harassment is also prohibited under Title VII of the Civil Rights Act of 1964, Massachusetts General Laws Chapter 151B, and other applicable statutes. This policy prohibits sexual harassment committed by any Labouré community member, regardless of gender related status.

The College is committed to ensuring that any response to a Formal Complaint of sexual harassment will treat the Complainant(s) and the Respondent(s) equitably by providing remedies to the Complainant(s) and by following a grievance process compliant with the applicable federal regulations set forth in 34 C.F.R. §106.45. As such, the College is committed to the following principles in its investigations of Formal Complaints:

- A Respondent is presumed to be not responsible until/unless a determination has been made.
- The burden of proof and burden of gathering evidence sufficient to reach a determination rest on the College, not the Complainant and/or the Respondent.
- All relevant evidence will be evaluated objectively.
- Credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness.
- The Complainant and the Respondent will have equal opportunities to present witnesses and to present and review evidence.
- The Complainant and the Respondent are not restricted from discussing the allegations under investigation.

B. Purpose & Scope of Policy

The purpose of this policy is to provide the Labouré community with a clear set of behavioral standards, definitions, and descriptions of sexual harassment. The policy is intended to protect and guide Labouré community members who have been affected by sexual harassment, whether as a Complainant, a Respondent, or a third party.

When used in this policy, "Complainant" refers to those persons who have made a Formal Report to the College that they are alleged to have been the victim of conduct that could constitute sexual harassment. "Respondent" refers to those persons who have been identified in a Formal Report to be the perpetrator of conduct that could constitute sexual harassment. "Third party" refers to any other person with information concerning a Formal Complaint of prohibited conduct, including any witness to the incident or any individual who makes a report to the College concerning someone else. "Employee" refers generally to all staff and faculty members, unless otherwise specified. A "Formal Complaint" is a document filed and signed by a Complainant or by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the College investigate the allegation. At the time of the Formal Complaint, the Complainant must be participating in or attempting to participate in the education program or activity of the College.

This policy applies to the behavior of all Labouré community members, including students, faculty, and staff, that occurs within the educational programs and activities sponsored by the College. All Labouré community members are responsible for their actions and behavior.

Any individual affiliated with the College may make a report of sexual harassment to the Title IX Coordinator or a Deputy Title IX Coordinator. Only a Complainant who is affiliated with the College may make a Formal Complaint alleging a violation of this policy. The College will provide resource options and respond promptly to all Formal Complaints of sexual harassment involving a Labouré community member. The College will engage in a Title IX investigation during which it is committed to maintaining fairness for all parties and balancing the needs and interests of individuals with the safety of the community.

Violations of this policy may result in conduct action. Depending on the nature of the violation, sanctions for violations of this policy may include denial of privileges, written warnings, disciplinary probation, suspension, and expulsion for students, and may include written

warnings, demotions, suspensions, and termination for employees. In addition, the College community should be aware that the conduct described in this policy may also violate federal or state laws and regulations.

II. Statement on Privacy, Confidential Resources, & Other Resources

A. Privacy & Confidentiality

The College is committed to respecting the privacy of all individuals involved in a Formal Complaint of sexual harassment. At all times, information relating to such a Formal Complaint will be shared only with individuals who “need to know” to assist in the College’s Title IX investigation and/or resolution of the Formal Complaint. In some cases, the Complainant may wish to keep his/her/their identity or other aspects of an incident confidential or may request that the College not pursue a Title IX investigation. In such cases, the College must balance these requests against the College’s responsibility to provide a safe environment free from sexual harassment for all Labouré community members. This responsibility may require that the College disclose certain aspects of the Formal Complaint to the alleged perpetrator, law enforcement officials, or others with a need to know such information. The College will attempt to respect the request of the Complainant and, where it cannot do so, it will consult with the Complainant and keep her/him/them informed about the chosen course of action.

When considering a request for confidentiality, the College’s Title IX Coordinator will determine the degree of confidentiality that can be afforded, considering a range of factors, including, but not limited to, the following:

- The risk that the Respondent will commit additional acts of sexual harassment.
- Whether the sexual harassment was perpetrated with a weapon.
- Whether the Complainant is a minor.
- Whether the College possesses other means of obtaining relevant evidence; and,
- Whether the Formal Complaint suggests a pattern of sexual harassment at a particular location or within a particular group.

If the College, having conducted a safety and risk analysis, concludes that a Formal Complaint of sexual harassment represents an immediate threat to the Labouré campus community, the College may issue a timely notice to the Labouré community to protect the health or safety of the broader campus community. This notice will not contain any biographical or other identifying information of the Complainant.

All Title IX investigative and sanction proceedings will comply with the requirements of the Family Educational Rights and Privacy Act (FERPA), the Clery Act, Title IX, other applicable law, and College policy. No information shall be released from such proceedings by the College, except as required or permitted by law or College policy.

B. Confidential Resources

Labouré encourages victims of sexual misconduct to talk with a trained counselor about the incident. If a member of the College community wishes to obtain confidential assistance through off-campus resources without making a Formal Complaint with the College, he/she/they may use the following Confidential Resources:

Off-Campus Resources
Boston Area Rape Crisis Center
(BARCC):

Contact Information
99 Bishop Allen Drive
Cambridge, MA 02139
(800) 841-8371 (24-hour hotline)
www.barcc.org

BARCC provides counseling, legal advice, and advocacy to help victims consider their options; medical advocates to accompany them to the hospital; and legal advocacy. All services are free and available to victims of sexual misconduct and their friends/family.

The Network/La Red:

PO Box 6011
Boston, MA 02114
(617) 742-4911
<http://tnlr.org/en/>

Provides free advocacy and support for LGBTQ victims of domestic and dating violence.

REACH Beyond Domestic Violence:

PO Box 540024
Waltham, MA 02454
(800) 899-4000 (free hotline)
(781) 891-0724 (office)
www.reachma.org

Provides free safety planning, advocacy, 24-hour hotline staffed by domestic violence crisis counselors, and shelter and support services to victims of domestic and dating violence.

Victim Rights Law Center:

115 Broad Street
Boston, MA 02110
(617) 399-6720
www.victimrights.org

Provides free lawyers to represent victims on court-ordered no-contact orders, school-based complaints, immigration, and other legal matters related to sexual assault and violence. Assistance is available in both English and Spanish.

The organizations identified above are available to offer support services and are able, if requested, to maintain the confidentiality of the victim's identity. If confidentiality is a concern, the victim should clarify the extent to which information should be kept confidential before disclosing information about the incident.

C. Campus Resources

In addition to the Confidential Resources listed above, all Labouré community members have access to a variety of resources provided by the College that can provide crisis intervention services, counseling, and academic support. All the staff listed below are trained to support individuals affected by sexual harassment and to coordinate with the Title IX Coordinator consistent with the College's commitment to a safe and healthy educational environment. While not bound by confidentiality, these resources will nevertheless maintain the privacy of an individual's information within the limited circle of those involved in the Title IX resolution process.

Title IX Coordinator

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617-322-3571

D. Administrative Resources

Various administrative agencies can provide resources and legal assistance for victims of sexual harassment. Some agencies in the local Boston-area community include:

Massachusetts Commission Against Discrimination (MCAD)
John McCormack Building
One Ashburton Place
Sixth floor, Room 601
Boston, MA 02108
(617) 994-6000

The MCAD prohibits sexual harassment in the workplace. The statute of limitations for filing a complaint is 300 days from the last date of discrimination.

Equal Employment Opportunity Commission (EEOC)
JFK Federal Building
475 Government Center
Boston, MA 02203
(800) 669-4000

The EEOC prohibits sexual harassment in the workplace. The statute of limitations for filing a complaint is 300 days from the last date of discrimination.

U.S. Department of Education, Office for Civil Rights (OCR)
5 Post Office Square, 8th floor
Boston, MA 02109
(617) 289-0111

For assistance related to civil rights, students may visit the Department of Education, Office for Civil Rights website at <https://ocrcas.ed.gov/contact-ocr>, which provides information regarding the address and phone number of the OCR office that serves their area. While OCR complaints

should generally be filed within 180 days of the last date of the alleged discrimination, OCR may extend this filing deadline in a variety of circumstances.

III. Prohibited Conduct & Definitions

The College prohibits all forms of sexual harassment, as defined below. The College also prohibits retaliation relating to any Formal Complaint of sexual harassment.

A. Definition of Sexual Harassment

Under Title IX, sexual harassment is a form of unlawful sex discrimination and consists of three basic types:

1. **Quid Pro Quo Harassment:** Any action by a College employee in which submission to conduct of a sexual nature is made either explicitly or implicitly a term or condition of an individual's education, grades, recommendations, or extra-curricular or employment opportunities.
2. **Unwelcome Conduct:** 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 College's education program or activity.
3. **Sexual Assault, Dating Violence, or Stalking:** "Sexual assault" as defined in 20 U.S.C. §1092(f)(6)(A)(v), namely, "an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation". "Dating violence" as defined in 34 U.S.C. § 12291(a)(1), namely, "violence committed by a person – (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship." "Stalking" as defined in 34 U.S.C. § 12291(a)(30), namely, "engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for his/her/their safety or the safety of others; or (B) suffer substantial emotional distress."

In any type of sexual harassment noted above, the effect will be evaluated based on the standard of a reasonable person in the position of the Complainant.

B. Forms of Prohibited Sexual Violence

1. **Sexual Harassment:** Consists of any unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature. This includes, but is not limited to: submission to, or rejection of, such conduct that is made either implicitly or explicitly a term or condition of employment or participation in an education program; submission to, or rejection of, such conduct that is used as the basis for employment or academic decisions affecting a student or employee; such conduct that has the purpose or effect of interfering with an employee or student's work or academic performance; or such conduct that creates a hostile or intimidating work environment.

2. **Sexual Assault:** Is any sexual penetration (anal, oral, or vaginal), however slight, with any object, or sexual intercourse by a person upon another person without effective consent. Sexual penetration includes vaginal or anal penetration by a penis, object, tongue, or finger and oral copulation by mouth-to-genital or genital-to-mouth contact. Effective consent is defined as a freely and affirmatively communicated willingness to participate in sexual activity, expressed either by words or clear, unambiguous actions. It is the responsibility of the initiator of the sexual activity to ensure that he/she/they has the other person's consent to engage in sexual activity. Silence, in and of itself, cannot be interpreted as consent. Consent must be present throughout the sexual activity by all parties involved. Consent to one form of sexual activity cannot imply consent to other forms of sexual activity. Consent may never be obtained through the use of force, coercion, or intimidation, or if the victim is mentally or physically disabled or incapacitated, including through the use of drugs or alcohol. Consent cannot be assumed because of the existence of a dating relationship between the persons involved or due to the existence of a previous sexual relationship between the persons. The perpetrator or victim's use of alcohol or other drugs does not diminish the perpetrator's responsibility.
3. **Sexual exploitation:** Sexual Exploitation occurs when a student takes nonconsensual or abusive sexual advantage of another for his/her/their own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute sexual assault, sexual misconduct, or sexual harassment. Examples of sexual exploitation include but are not limited to: recording and sharing sexual activity with another student without that student's consent; prostituting another student; nonconsensual video or audio recording of sexual activity; going beyond the boundaries of consent (such as letting individuals hide in the closet to watch you having consensual sex); voyeurism; and/or knowingly transmitting an STI to another student or employee.
4. **Sexual Misconduct:** Sexual Misconduct is any intentional sexual touching, however slight, with any object by one person upon another person without effective consent (see "Sexual Assault" for a definition of effective consent). Sexual touching includes any bodily contact with the breasts, groin, genitals, mouth or other bodily orifice of another, or any other bodily contact in a sexual manner. Any disrobing of another or exposure to another without effective consent is considered a violation of this policy.
5. **Stalking:** Stalking is defined as any pattern of conduct that has the purpose or effect of producing fear and/or creating an intimidating, hostile, or offensive environment. A "pattern of conduct" is defined as two or more times and constitutes a repeated attempt to initiate unwanted, inappropriate, and/or threatening interactions against a particular person or group. Examples of stalking behavior include, but are not limited to: unwelcome communication that can be face-to-face, phone, text, email, voice messages, written messages, gifts, etc.; pursuing and/or following another person or group; surveillance; trespassing; gaining unauthorized access to personal, medical, financial, or any other identifying piece of information without explicit permission; and accessing email, phone, or other forms of personal communication in order to follow or monitor another's activity. Cyberstalking is an extension of the physical form of stalking and is

unacceptable at any level. Using electronic media such as the Internet, social media sites, cell phones, or other similar devices to pursue, track, harass, monitor, or make unwanted contact with another person is a violation of this policy.

6. **Relationship Violence:** Relationship Violence is a pattern of coercive behaviors that serves to exercise control and power in an intimate relationship. Coercive and abusive behaviors can be physical, sexual, psychological, verbal, and/or emotional. Relationship violence can occur between current and former intimate partners who have dated, lived together, currently reside together, or who otherwise are connected through a past or existing relationship. Relationship violence is sometimes referred to as intimate partner violence, domestic violence, or dating violence. Examples of relationship violence include, but are not limited to: attempting to cause or causing bodily injury by hitting, slapping, punching, hair-pulling, kicking, sexual assault and/or other forms of unwanted physical contact that cause harm; knowingly restricting the movements of another person; isolating or confining a person for a period of time; controlling or monitoring behavior; being verbally and/or emotionally abusive; and exhibiting extreme possessiveness or jealousy.

C Additional Conduct Related to Sexual Harassment Prohibited by this Policy

1. **Aiding or Facilitating Sexual Harassment:** Aiding or facilitating sexual harassment means promoting or encouraging the commission of any behavior prohibited under this policy. Members of the Labouré community are prohibited both from personally engaging in sexual harassment, as well as from engaging in conduct that assists or encourages another person to engage in sexual harassment.
2. **Retaliation:** Retaliating or attempting to seek retribution against a Complainant, Respondent, or any other individual or group involved in the investigation and/or resolution of a Formal Complaint of sexual harassment is prohibited. Retaliation can be committed by any individual or group, not just a Respondent or Complainant. Retaliation may include abuse or violence, other forms of harassment, and/or making defamatory statements.

D. Consent, Coercion, & Incapacitation

Consent to sexual activity must be clear, knowing, and voluntary. Consent must exist from the beginning to the end of each instance of sexual activity and for each form of sexual contact. Consent to one form of sexual contact does not constitute consent to any other forms of sexual contact. Further, consent to engage in a particular sexual act at any given time is not indefinite or ongoing consent to engage in that same act, or any other sexual act, on other occasions. Mutually understandable consent must be obtained by the initiator, or the person who wants to engage in the specific sexual activity, at every stage of sexual interaction.

Consent requires an affirmative, outward demonstration indicating that an individual has freely chosen to engage in sexual activity. Consent is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage freely in sexual activity. When in doubt, ask before acting.

A lack of consent may be indicated in a variety of ways. First, a verbal “no,” even if it sounds indecisive or insincere, must be accepted as a lack of consent. If consent is requested verbally, the absence of any explicit affirmative verbal response constitutes lack of consent. In addition, if at any time a person’s words, actions, or demeanor suggest hesitancy, confusion, or uncertainty about engaging in sexual activity, the parties should stop and obtain mutual verbal consent before continuing sexual activity.

Consent may NOT be inferred from silence, passivity, lack of resistance, or lack of an active response alone. A person who does not physically resist or verbally refuse sexual activity is not necessarily giving consent. In the absence of an outward demonstration, consent does not exist. If at any time it is reasonably apparent that either party is hesitant, confused, or uncertain, both parties should stop and obtain mutual verbal consent before continuing sexual activity.

A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Even in the context of a relationship, there must be mutually understandable communication that clearly indicates willingness to engage in sexual activity each time such activity occurs.

Consent may be withdrawn by either party at any time. Withdrawal of consent must also be outwardly demonstrated by words or actions that clearly indicate a desire to end sexual activity. Once withdrawal of consent has been expressed, sexual activity must cease.

In Massachusetts, consent can never be given by a minor under the age of 16.

Consent cannot be obtained from the use or threat of physical force, intimidation, or coercion, or any other factor that would eliminate an individual’s ability to exercise his/her/their own free will to choose whether or not to have sexual contact. Coercion includes the use of pressure including express or implied threats of harm, and severe and/or pervasive emotional intimidation that places an individual in fear of harm or physical injury or causes a person to engage in unwelcome sexual activity. A person’s words or conduct amount to coercion if they wrongfully impair the other’s freedom of will and ability to choose whether or not to engage in sexual activity. If sexual acts were preceded by threats or coercion, there is no consent.

Individuals of any age are considered incapacitated and unable to consent to sexual activity if they are not able to make rational, reasonable judgments. Incapacitation is the inability, temporarily or permanently, to give consent because the individual is mentally and/or physically helpless. Individuals may be incapacitated and unable to consent to sexual activity due to drug or alcohol consumption, either voluntarily or involuntarily, or if the individual is unconscious, asleep, or otherwise unaware that the sexual activity is occurring. Individuals are incapacitated if they are unaware of where they are, how they got there, or why or how they became engaged in a sexual interaction. Where alcohol is involved, incapacitation is a state beyond drunkenness or intoxication.

Some indicators of incapacitation may include, but are not limited to:

- Lack of control over physical movements or equilibrium.
- Lack of awareness of circumstances or surroundings.
- An inability to communicate coherently or other signs of confusion or disorientation; and

- Vomiting and/or lack of consciousness.

An individual may experience a blackout state in which he/she/they appear to be giving consent, but do not actually have conscious awareness or the ability to consent. It is especially important, therefore, that anyone engaging in sexual activity be aware of the other person's level of intoxication. The relevant standard that will be applied is whether the Respondent knew, or a sober reasonable person in the same position should have known, that the other party was incapacitated and therefore could not consent to sexual activity.

Alcohol or drugs impair a person's decision-making capacity, awareness of the consequences, and ability to make informed judgments. However, being intoxicated or impaired by drugs or alcohol is never an excuse to engage in sexual misconduct and does not excuse one from the responsibility to obtain consent. As stated above, even if Respondents are intoxicated, they will be found responsible for sexual misconduct if they engage in sexual activity with another person who did not consent to the sexual activity.

IV. Reporting

When the College receives a Formal Complaint of sexual harassment, it is obligated to take immediate steps to investigate the incident and, where possible, to prevent and remediate any violations of this policy. When the College receives a report of sexual harassment, the Title IX Coordinator will determine whether to instigate a formal Title IX investigation. The College will promptly and thoroughly investigate and respond to all Formal Complaints of sexual harassment in an integrated, consistent manner that treats each individual with dignity and respect. The College will approach each Formal Complaint with an earnest intent to understand the perspective and experiences of each individual involved to ensure fair and impartial evaluation and resolution.

The College recognizes that the decision whether or not to make a Formal Complaint of sexual harassment is personal, and there are many barriers to doing so, both individual and societal. Not every individual will be prepared to make a Formal Complaint to the College or to law enforcement, and individuals are not expected or required to pursue a specific course of action. The College recognizes that choosing to make a Formal Report and deciding how to proceed after making the Formal Complaint can be a process that unfolds over time. Therefore, an individual does not have to decide whether or not to request disciplinary action at the time the Formal Complaint is made.

The College will respect an individual's autonomy in making these important decisions and will provide support that will assist each individual in making these determinations. The College will also honor a victim's decision as to whether or not to report the incident to law enforcement. A criminal complaint will not terminate the College's internal investigation or its response to a Formal Complaint of sexual harassment in its programs or activities.

A. Emergency/Immediate Reporting Options

In the event that an individual is the victim of sexual assault or sexual violence, the physical safety and emotional well-being of the person is of primary importance. A victim may have been physically injured in a number of ways, may have been exposed to a sexually transmitted

disease, and/or may be at risk of impregnation. The College strongly encourages any person who has been the victim of sexual assault/violence to seek immediate medical attention from the nearest hospital emergency room.

Additionally, if an assault has occurred very recently, there may be physical evidence present that can be collected. Although the collection of physical evidence does not require a victim to pursue criminal or civil charges, preserving evidence allows a victim to make the decision to do so in the future. If a victim is assaulted, he/she/they should not shower, change clothing, or brush his/her/their teeth. The decision to seek medical attention and gather any evidence will remain confidential. Local medical resources include the following:

Beth Israel Deaconess Medical Center:	Rape Crisis Intervention Program 330 Brookline Avenue Boston, MA 02215 (617) 667-4645 <i>(Request a Sexual Assault Nurse Examiner (S.A.N.E.))</i>
Brigham and Women’s Hospital:	75 Francis Street Boston, MA 02115 (617) 732-5636 <i>(Request a Sexual Assault Nurse Examiner (S.A.N.E.))</i>

Individuals are strongly encouraged to call 911 if they are feeling unsafe and wish to reach local law enforcement or emergency medical care (including an ambulance) anywhere within the United States. Local law enforcement can also be reached at:

Milton Police Department
40 Highland Street
Milton, MA 02186
617-698-3800

In addition, Public Safety can be reached at 617-322- 3571.

B. [Campus Reporting Options](#)

To enable the College to respond to all Formal Complaints in a prompt and equitable manner, all individuals should make any Formal Complaint of sexual harassment directly to the Title IX Coordinator. Only the Title IX Coordinator and College officials who have the authority to institute corrective measures on the College’s behalf are responsible for responding to Formal Complaints and reports of sexual harassment.

The College recognizes that a student or employee may choose to report sexual harassment to any trusted employee of the College. For example, a student may choose to confide in a faculty member or an admissions counselor. Likewise, an employee may choose to confide in a supervisor. However, any faculty member, staff member, or other employee who receives a report of sexual harassment is not responsible for responding, but he/she/they must immediately share the report with the Title IX Coordinator. The Title IX Coordinator is specifically charged with overseeing the investigation of and response to allegations of sexual harassment.

C. Timeframe for Reporting

Individuals are encouraged to make a Formal Complaint of sexual harassment as soon as possible to maximize the College's and/or law enforcement's ability to respond promptly and equitably. The College does not limit the timeframe for making a Formal Complaint, and upon receipt of any Formal Complaint, regardless of when the incident occurred, the College will conduct a Title IX assessment to determine if an investigation and/or any safety measures are necessary to maintain the safety of the community.

D. Coordination with Law Enforcement

The College encourages Complainants to pursue criminal action for incidents of sexual harassment when the incident constitutes a crime under the law of the jurisdiction where the incident occurred. If an individual chooses to report an incident of sexual harassment to Public Safety, then the College will notify the law enforcement agency with jurisdiction over the alleged crime. To the extent permitted by law, the College will also assist a Complainant in making a criminal report and will cooperate with law enforcement agencies if a Complainant decides to pursue the criminal process.

The College's definitions of sexual harassment and its process and standard of proof for finding a Respondent responsible for sexual harassment differ from those used in criminal prosecutions. Thus, a Complainant may reasonably seek resolution through the College's Title IX Formal Complaint process, may pursue criminal action, may choose one but not the other, or may choose to make a Formal Complaint to both or neither. Law enforcement's determination regarding whether or not to prosecute a Respondent is not determinative of whether the College will conduct a Title IX investigation or conclude that a member of the Labouré community has committed sexual harassment in violation of this policy. However, any criminal disposition related to the Title IX complaint will be taken into consideration in a Title IX investigation. Proceedings under this policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus. However, the College will, to the extent possible and consistent with its obligations to address promptly Formal Complaints under Title IX, cooperate and coordinate with local law enforcement officers and the prosecutor's office.

E. Amnesty

The College encourages reporting and seeks to remove any barriers to reporting by making the procedures for reporting transparent and straightforward. The College recognizes that an individual who has been drinking or using drugs at the time of the incident may be reluctant to make a report for fear of being subject to discipline under the College's Drug and Alcohol Policy. A Complainant who makes a Formal Complaint of sexual harassment will not be subject to disciplinary action by the College for his/her/their own violation of these policies.

F. Bystander Intervention

The College strongly encourages all community members to take reasonable and prudent actions to prevent or stop sexual harassment, including relationship violence, stalking and sexual assault. Taking action may include directly or indirectly confronting the situation (if it is safe to do so), taking steps to interrupt the situation, or seeking assistance from a person in authority. Labouré

community members who choose to exercise this positive moral obligation will be supported by the College and protected from retaliation.

G. Statement Against Retaliation

It is a violation of this policy to retaliate in any way against an individual or a group because the individual or group made a Formal Complaint of sexual harassment, was the subject of such a Formal Complaint, or otherwise participated in the College's investigation of such a Formal Complaint.

V. Interim Supportive Measures

Upon receipt of a Formal Complaint of sexual harassment, the College may provide interim supportive measures and reasonable protective measures to a Complainant and a Respondent to prevent further acts of harassment and to provide a safe educational and work environment. Interim supportive measures are non-disciplinary, non-punitive services offered as appropriate to the Complainant or the Respondent before or after the filing of a Formal Complaint. Such measures are designed to restore or preserve equal access to the College's education programs or activities without unreasonably burdening the other party. Even when a Complainant or Respondent does not specifically request that interim protective action be taken, the College may choose to impose interim supportive measures at its discretion to ensure the safety of any individual, the broader College community, or the integrity of the review process.

Students seeking such assistance should speak with the Title IX Coordinator, who will coordinate such requests on behalf of the student. The College will maintain contact with the parties to ensure that all concerns are being addressed.

All individuals are encouraged to report concerns about the failure of an individual to abide by any restrictions imposed by an interim supportive measure. The College will take immediate action to enforce measures previously ordered or implemented by the College.

The College may impose any remedy that can be tailored to the involved parties to achieve the goals of this policy, even if not specifically listed here. The range of interim supportive measures may include, but are not limited to:

No Contact Order: A Complainant or Respondent may request, or the College may impose, communication and contact restrictions to prevent further interactions. This communication and contact restrictions generally preclude in-person, telephonic, electronic, or third-party communications. If a court order is issued, the College will, to the extent possible, assist the protected person in benefiting from the restrictions imposed by the court and will also facilitate on-campus compliance with the order. The College may also limit an individual or organization's access to certain College facilities or activities as part of the no contact order.

Academic or Employment Modifications: Any party involved in a Title IX investigation may request an academic or employment accommodation after a Formal Complaint of sexual harassment. An individual who requests assistance in changing his/her/their academic or employment situation after a Formal Report of sexual harassment will receive appropriate and reasonably available accommodations. These may include, but are not limited to:

- Academic accommodations, including a change in class schedule, taking an incomplete, dropping a course without penalty, attending a class via Zoom or other alternative means, providing an academic tutor, or extending deadlines for assignments.
- Change in work assignment or schedule; and/or
- Providing an escort to ensure safe movement between classes and activities.

Emotional Support: The College will assist in providing a referral to off-campus agencies. Counseling and emotional support is available to any member of the campus community.

Interim Separation: Where the Formal Complaint of sexual harassment poses an ongoing risk of harm to the safety or well-being of an individual or members of the Labouré community, the College may place an individual on interim suspension or impose leave for an employee. In this case, the College will provide such a removed Respondent with notice and an opportunity to challenge the decision immediately following the removal. If the interim removal remains in place, pending resolution of the Formal Complaint, the individual may be denied access to campus. When interim suspension or leave is imposed, the College will make reasonable efforts to complete the Title IX investigation and resolution within an expedited timeframe.

VI. Title IX Complaint Process

A. Title IX Coordinator and Deputy Coordinator

The Title IX Coordinator oversees the College’s centralized review, investigation, and resolution process for Formal Complaints of sexual harassment. Title IX deputies assist in developing an efficient and effective college response to each complaint and, where appropriate, assist with investigations of particular situations.

The duties and responsibilities of the Title IX Coordinator include training, education, and climate checks, as well as the oversight of procedures that promptly and equitably eliminate sexual harassment, prevent its recurrence, and address its effects on individuals and the Labouré community.

Other matters that do not involve Formal Complaints may be referred to other departments within the College and/or handled under other policies, such as the Labouré Non-Discrimination Policy or the Student Code of Conduct.

The Title IX Coordinators’ contact information is:

Title IX Coordinator

Jeremy Shepard
 Dean of Students
 Labouré College of Healthcare
 303 Adams Street
 Office C128
 Milton, MA 02186
 617-322-3506
Jeremy_Shepard@laboure.edu

Deputy Title IX Coordinator

Nikki David
 Academic Advisor and Deputy
 Labouré College of Healthcare
 303 Adams Street
 Office C124
 Milton, MA 02186
 617-322-3511
Nikki_David@laboure.edu

The above contact information is distributed to all students, employees, applicants for admission or employment, and parents/guardians through the College's website. The above contact information is also included in all of the College's handbooks and catalogs.

B. Timeframe for Resolution

The investigation and resolution of all Formal Complaints of sexual harassment will be reasonably prompt, with a goal of completion within 90 days. The College will provide the Complainant and the Respondent written notice of the reasons for the delay or extension due to extenuating circumstances. A Complainant and Respondent can expect to receive periodic updates from the Title IX Coordinator on the status of the investigation and resolution.

C. Title IX Grievance Procedures and Title IX Review

The following are the College's procedures for responding to and resolving Formal Complaints of sexual harassment asserted against a student or a College employee. The College will apply the same standard of evidence – i.e., preponderance of the evidence – in Formal Complaints of sexual harassment against a student Respondent and in Formal Complaints of sexual harassment against a College employee Respondent.

1. Formal Complaint

A Complainant may make an oral or written report of a violation of this policy (i.e., sexual harassment) by a member of the Labouré community in person, by telephone, or by email using the contact information of the Title IX Coordinator.

The Formal Complaint must be signed by the individual initiating the report (i.e., the Complainant). A Formal Complaint will result in a Title IX investigation to determine whether the Respondent violated any provisions of this policy.

Timeframe for Submitting a Formal Complaint: The College does not limit the timeframe for submitting a Formal Complaint but, at the time of the Formal Complaint, the Complainant must be participating in or attempting to participate in the education programs or activities of the College within the United States. Moreover, Complainants are encouraged to submit the Formal Complaint as soon as possible to maximize the College's ability to investigate and come to an appropriate resolution.

Withdrawal of Formal Complaint: If a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint, the Title IX Coordinator will assess whether sufficient evidence exists to support completing an investigation. The College's decision to proceed in investigating a member of the Labouré community when the Complainant has withdrawn the Formal Complaint shall be made by the Title IX Coordinator but will take the Complainant's wishes into consideration. If the Title IX Coordinator determines that dismissal is appropriate, the College will promptly send written notice of the dismissal to the Complainant and the Respondent. A file concerning the withdrawn Formal Complaint will be maintained by the Title IX Coordinator, so that the matter can be re-opened if the Complainant later decides to reinitiate the Formal Complaint or if new evidence comes to the College's attention. If the investigation is re-opened, the College will promptly send written notice of the re-opening of the

investigation and the grounds for re-opening simultaneously to the Complainant and the Respondent.

Dismissal of Formal Complaint: The College will investigate the allegations in a Formal Complaint but, if the conduct would not constitute sexual harassment as defined above even if proved, or if the conduct did not occur in the College's education programs or activities or did not occur against a person in the United States, the College must dismiss the Formal Complaint regarding Title IX. The College will promptly send written notice of the dismissal of the Formal Complaint and the reasons simultaneously to the Complainant and the Respondent. Dismissal in the Title IX context does not preclude the College from taking action under another policy in response to the allegations in the Formal Complaint.

The College may dismiss a Formal Complaint if the Respondent is no longer enrolled or employed by the College. The College may also dismiss a Formal Complaint if specific circumstances prevent the College from gathering evidence sufficient to reach a determination. In either case, the College will promptly send written notice of the dismissal of the Formal Complaint and the reasons simultaneously to the Complainant and the Respondent.

2. Advisors

The Complainant and Respondent may each choose and be accompanied to any meeting or interview related to these procedures by an advisor of their choice, who may be, but is not required to be, an attorney. Each party's advisor may provide support related to any meeting or interview but may not participate actively in such meetings or interviews. During meetings and interviews, an advisor may quietly confer or pass notes with the party in a non-disruptive manner. The advisor may not intervene in a meeting. The parties must each bear the expense of their advisor. Consistent with the College's obligation to resolve Formal Complaints of sexual harassment promptly, the College will take reasonable steps to accommodate the schedules of the parties' selected advisors but requests that the parties' selected advisors to be as flexible as possible regarding scheduling.

3. Declining to Participate

A Complainant and/or Respondent may decline to participate in the investigation or Formal Complaint resolution process. The College may continue the process without the Complainant's and/or Respondent's participation. If a party or witness declines to submit to cross-examination at a live hearing, the Title IX Decisionmaker(s) must not rely on any statement of that party or witness in reaching a determination regarding responsibility.

4. Investigation and Findings Process

After receiving a Formal Complaint of sexual harassment, the Title IX Coordinator will conduct a preliminary assessment to determine whether there is sufficient evidence to support the initiation of a formal investigation. If the Title IX Coordinator concludes that a Formal Complaint of sexual harassment warrants a Title IX Investigation, the following steps will generally be taken:

- a. The Title IX Coordinator will appoint a Title IX Investigator who is tasked with investigating the Formal Complaint and creating an investigative report that summarizes the relevant evidence.

- b. The College will appoint a Title IX Decision-maker, who cannot be the Title IX Coordinator or the Title IX Investigator. The Title IX Decision-maker is tasked with reviewing the final investigative report of the Title IX Investigator, conducting any hearing, if necessary, and issuing a written determination regarding the responsibility of the Respondent.
- c. Prior to any meetings between any party and the Title IX Investigator, the Title IX Coordinator will provide written notice to the parties, that:
 - i. Provides a copy of this policy, which sets forth the grievance process.
 - ii. Provides notice of the allegations potentially constituting sexual harassment as defined in this policy.
 - iii. Provides sufficient details known at the time (i.e., the identities of the parties involved, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known).
 - iv. Includes 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.
 - v. Informs the Complainant and the Respondent of whom will be serving as the Title IX Investigator.
 - vi. Informs the Complainant and the Respondent who will serve as the Title IX Decision-maker and will conduct any hearing, if necessary, and issue a written determination regarding the Respondent's responsibility.
 - vii. Advises each of Confidential Resources, including advocates, health care providers, and counseling services in the local community.
 - viii. Advises each of the options to request that the College take steps to prevent unwelcome contact with another member of the Labouré community.
 - ix. Advises the Complainant and the Respondent that each may have an advisor of his/her/their own choice, who may be, but is not required to be, an attorney and that the advisor may be present at all meetings, interviews, and hearings.
 - x. Advises the Complainant and the Respondent that each may inspect, provide, and review the evidence and that both will have an equal opportunity to do so.
 - xi. Advises the Complainant and the Respondent that any behavior that can be construed as retaliation against the Complainant, Respondent, and/or witnesses will be subject to disciplinary action, up to, and including, suspension or dismissal from the College.
 - xii. Advises the Complainant that Labouré Public Safety is available to assist them in contacting and communicating with local police or in seeking court orders of protection/restraining orders.

- d. The Title IX Investigator will provide written notice to the Complainant and to the Respondent of the date, time, location, participants, and purpose of all investigative interviews, hearings, or other meetings, with sufficient time for the party to prepare to participate.
- e. The Title IX Investigator shall interview the Complainant (if possible). The Title IX investigator shall ask the Complainant for contact information of any potential witnesses. As a part of this process, the Title IX Investigator shall also assess whether interim supportive measures not already implemented for the Complainant are appropriate and, if so, work with the Title IX Coordinator to ensure that they are in place.
- f. The Title IX Investigator shall then interview the Respondent (if possible). The Title IX Investigator shall ask the Respondent for contact information of any potential witness(es). As a part of this process, the Title IX Investigator shall also assess whether interim supportive measures not already implemented for the Respondent are appropriate and, if so, work with the Title IX Coordinator to ensure that they are in place. If at any point the Respondent admits to violating this policy, the Title IX Investigator will inform the Title IX Coordinator, who will terminate the resolution process. Where appropriate, the Title IX Coordinator will send the matter through the Sanctions Process detailed below. If the Complainant and Respondent each accept the issued sanction(s), the matter will be closed. If either party is unsatisfied with the sanction(s), they may request to proceed through the formal resolution process in full by submitting a written request to the Title IX Coordinator within five (5) business days of the receipt of the sanctions' decision. The Title IX Coordinator maintains the ultimate discretion whether or not such a request should be granted.
- g. The Title IX Investigator shall make reasonable attempts to interview any relevant witnesses identified by the Complainant or Respondent or any other source.
- h. The Title IX Investigator shall review any documentary evidence submitted by the Complainant, Respondent, or other witnesses.
- i. After reviewing any witness statements, documentary evidence, and other relevant evidence as noted above, the Title IX Investigator may conduct follow-up interviews with the Complainant and the Respondent. The Title IX Investigator will provide the Complainant and the Respondent equal opportunities to present witnesses (fact and expert) and other inculpatory and exculpatory documentary evidence.
- j. Following the investigation, the Title IX Investigator shall create a draft written report that summarizes the investigation, sets out the documentary evidence submitted by the parties/witnesses, and describes their determination(s) concerning the relevance of the documentary evidence (the "Title IX Investigator's Draft Report"). Relevant evidence reviewed by the Title IX Investigator shall be described in the Title IX Investigator's Draft Report and appended (and redacted, if necessary) in electronic or hard copy. The College will provide the parties a copy of the Title IX Investigator's Draft Report, including the relevant evidence in electronic or hard copy. The parties

will have at least ten (10) days to submit a written response, which the Title IX Investigator will consider prior to completion of the investigative report.

- k. At the conclusion of the investigation, but prior to the finalization of the investigative report, the Title IX Investigator shall submit the Title IX Investigator's Draft Report (with a summary of evidence and the evidence attached in electronic or hard copy) to the Title IX Coordinator for review. The Title IX Coordinator may suggest additional clarification or the gathering of additional evidence, as appropriate. Relevant and clarifying comments provided by either party will be incorporated into the draft report by the Title IX Investigator in their discretion in consultation with the Title IX Coordinator, and the Title IX Investigator will note any significant deviations from previous statements. If the Complainant and/or Respondent identifies additional relevant evidence, that evidence shall be gathered by the Title IX Investigator and included in the written report. Depending on the nature of the new evidence, it may be shared with the Complainant or the Respondent for comment. The Title IX Investigator shall revise the Title IX Investigator's Draft Report to summarize all relevant evidence obtained during the investigation.
- l. The Title IX Coordinator may offer feedback, which should be incorporated into the final draft. The Title IX Investigator shall revise the Title IX Investigator's Draft Report to reflect the Title IX Coordinator's feedback, and the Title IX Investigator shall resubmit their revised final investigative report (the "Title IX Investigator's Report") to the Title IX Coordinator. The Title IX Investigator's Report will include:
 - i. A summary of the allegations in the Formal Complaint.
 - ii. A summary of the evidence submitted by the parties/witnesses.
 - iii. A description of their determination concerning the relevance of the evidence, attaching all relevant evidence in electronic or hard copy.
- m. At least five (5) days prior to any hearing, the College will send to each party the Title IX Investigator's Report in electronic or hard copy for their review and written response.
- n. When the Title IX Investigator's Report is transmitted to the parties, the College will simultaneously inform the Complainant and the Respondent that the Title IX Decision-maker will be conducting a live hearing in the matter at which:
 - i. The Title IX Decision-maker must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those that challenge credibility.
 - ii. Cross-examination must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally.
 - iii. If a party does not have an advisor, the College must select one and provide them to conduct cross-examination.
 - iv. If requested by either party, the College must provide for the live hearing to occur with the parties in separate rooms with technology enabling the Title IX Decision-maker and the parties, simultaneously, to see and hear the party or the witness answering questions.

- v. Only relevant questions may be asked of a party or other witness. The Title IX Decision-maker must determine whether cross-examination questions are relevant and must explain their decision to exclude a question as not relevant.
- vi. Questions and evidence regarding the Complainant's prior sexual behavior are not relevant unless offered to prove that someone other than the Respondent committed the alleged conduct or if they concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent; and
- vii. If a party or witness does not submit to cross-examination at a live hearing, the Title IX Decision-maker must not rely on any statement of that party or witness in reaching a determination regarding responsibility.
- o. The College will create an audiovisual recording and/or a transcript of any live hearing and make it available to the parties for inspection and review.
- p. Following the conclusion of any live hearing, the Title IX Decision-maker, applying the preponderance of the evidence standard, will issue a written determination regarding the Respondent's responsibility (the "Title IX Decision-maker's Determination"). The Title IX Decision-maker's Determination must include:
 - i. An identification of the allegations in the Formal Complaint.
 - ii. A description of all procedural steps taken.
 - iii. Findings of fact supporting the determination regarding the Respondent's responsibility.
 - iv. Conclusions regarding the application of this Policy to the facts.
 - v. A statement of, and rationale for, the result as to each allegation, any disciplinary sanctions the College will impose on the Respondent, and whether any remedies to restore the Complainant will be provided by the College; and
 - vi. The College's procedures for the Complainant or the Respondent to appeal the Title IX Decision-maker's Determination.
- q. The Title IX Coordinator will issue a letter to the Complainant and the Respondent with the Title IX Decision-maker's Determination (the "Determination Letter"). The Determination Letter will be issued within three (3) business days of finalizing the Title IX Decision-maker's Determination. The Title IX Coordinator will send the Determination Letter, attaching a copy of the Title IX Decision-maker's Determination, to the Complainant and the Respondent simultaneously via electronic mail (read receipt requested).

If the Respondent is found not to have violated any provision of this policy, the Determination Letter will inform the Complainant and the Respondent of the Complainant's right to appeal that decision in accordance with the Appeals Process below.

If the Respondent is found to have violated any provision of this policy, the Determination Letter will inform the Complainant and the Respondent of the Respondent's right to appeal that decision in accordance with the Appeals Process below.

VII. Informal Resolution Process

The informal resolution process is a voluntary, remedies-based process designed to provide members of the Labouré community with an option to resolve certain disputes with other members of the community in a forum that is separate from the College's formal grievance processes under the Title IX Sexual Harassment Policy.

Subject to approval by the Title IX Coordinator, the informal resolution process is available in matters involving a student Complainant and a student Respondent or an employee Complainant and an employee Respondent but is not available in matters involving a student and an employee.

The purpose of the informal resolution process is to eliminate the conduct which has been reported by the Complainant (and prevent its recurrence), and place both individuals in a position to pursue their academic, working, and non-academic interests in a safe and respectful environment. Under this process, there will be no disciplinary action taken against a Respondent, and the resolution will not appear on the Respondent's disciplinary record.

Participation in the informal resolution process is completely voluntary. All parties must consent in writing to participation in the informal resolution process.

The College offers the informal resolution process under these circumstances:

1. A Formal Complaint has been filed by the Complainant.
2. The Title IX Coordinator has determined that the alleged conduct, if substantiated, would constitute Title IX Sexual Harassment, and the Title IX Coordinator has determined that the informal resolution process is appropriate for this matter.
3. All parties will be provided with a written notice disclosing the allegations, the requirements of the informal resolution process, and any outcomes resulting from participating in the informal resolution process.
4. At any time prior to signing an informal resolution agreement, any party may withdraw from the informal resolution process and resume the formal grievance process.
5. Parties may be accompanied by a member of the College community who will serve as a support person to any meeting related to the informal resolution process. The College support person may not actively participate in meetings and can't serve as a proxy for the party.
6. Any agreements reached as part of the informal resolution process must be approved by the Title IX Coordinator to ensure consistency with the College's obligations under federal law. If the Title IX Coordinator determines at any time prior to the signing of the informal resolution agreement that the informal resolution process is no longer appropriate, the Title IX Coordinator may terminate the process.
7. Upon signing the informal resolution agreement, the parties cannot opt for a formal grievance process based on the conduct alleged in the Formal Complaint.
8. If the parties' circumstances change, they may request a supplemental agreement. The Title IX Coordinator will determine whether it is appropriate to proceed.

If the Complainant files a Formal Complaint and requests to engage in the informal resolution process, the Title IX Coordinator will consider whether the informal resolution process is

appropriate in the matter. In making this determination, the Title IX Coordinator will consider the following factors:

1. The disciplinary record of the Respondent relating to sexual misconduct, physical violence, failure to comply with a No-Contact Order, and/or other relevant conduct.
2. The nature of the alleged conduct, whether allegations involve multiple victims and/or a pattern of conduct, or other evidence-informed factors indicative of increased risk to campus safety.
3. Whether there is sufficient evidence to proceed with an investigation without participation by the Complainant.
4. If the Title IX Coordinator determines that a case is not appropriate for the informal resolution process, the Title IX Coordinator will inform the Complainant that the informal resolution process is unavailable.
5. If the formal grievance process has already begun, either party may seek to initiate the informal resolution process up to five (5) business days prior to the hearing. If both parties agree to participate in the informal resolution process and the Title IX Coordinator approves, the formal grievance process will be paused while the informal resolution process is pending. If an agreement is not reached, the formal grievance process will be resumed.
6. Upon initiation of the informal resolution process, the Title IX Coordinator will refer the matter to a trained informal resolution facilitator (“Facilitator”). The Facilitator will consult separately with each party in an effort to reach a resolution that best meets the interests and needs of the parties. Unless they mutually choose to do so as part of an agreement, the parties will not meet in person as part of the process.

A. Potential Outcomes of the Informal Resolution Process

Depending on the nature and circumstances of the situation, parties may agree to outcomes such as:

1. Long-term extension of a mutual No-Contact Order or No-Communication Order.
2. A No-Contact Order that places the burden on the Respondent to limit the Respondent’s physical and/or electronic proximity to the Complainant.
3. Restrictions on the Respondent from participation in organizations or events.
4. Provision to the Respondent of an “impact statement” written by the Complainant (describing the impact that the Respondent’s conduct had on the Complainant).
5. Conversation between the parties facilitated by a trained individual appointed by the Title IX Coordinator.
6. Other measures deemed appropriate by the Title IX Coordinator.

B. Records Relating to the Informal Resolution Process

Prior to participating in the informal resolution process, the parties will be notified in writing that any information gathered in the informal resolution process may be used in the Title IX Sexual Harassment formal grievance processes if the informal resolution process ends prior to a written agreement being signed by the parties.

Even if the parties enter into a written informal resolution agreement, if information related to the violation of other College policies comes to light through the informal resolution process, such information may be used in other College disciplinary processes.

C. Retaliation

The protections against Retaliation apply to individuals participating in the informal resolution process. Disciplinary consequences may result for those found responsible for Retaliation.

D. Time Frame for the Informal Resolution Process

The time frame for completion of the informal resolution process may vary, but the College will seek to complete the informal resolution process within thirty (30) business days of completion of the initial assessment. Should the time extend beyond this time frame, the parties will be notified.

VIII. Sanctions Process

If the Title IX Decision-maker concludes that there has been a violation of this policy, or if the Respondent admits to violating this policy, the College will appoint a Sanctions Administrator to determine appropriate sanctions. The Sanctions Administrator may not be the Title IX Coordinator, the Title IX Investigator, or the Title IX Decision-maker.

Upon review of the Title IX Decision-maker's Determination, the Sanctions Administrator may impose any sanction designed to eliminate the sexual harassment, prevent its recurrence, and remedy its effects, while supporting the College's educational mission and Title IX obligations. Sanctions may also serve to promote safety or deter students from similar future behavior. Any sanction(s) must be issued, and communicated to the parties, within five (5) business days of the issuance of the Determination Letter (the "Sanctions Letter").

The following, individually or in combination, are potential sanctions for violations of this policy:

Major Sanctions:

- Dismissal from the College or a program of the College.
- Suspension from the College or a program of the College for a specific period.
- Deferred suspension from the College or a program of the College.
- Denial of graduation, diploma, or degree.
- Deferral of graduation, diploma, or degree for a specific period of time.
- Revocation or withdrawal of diploma or degree previously credited, awarded, or conferred.

Other Available Sanctions:

- Disciplinary Warning.
- **Disciplinary Probation:** may involve counseling with faculty or administrative staff; restriction of student privileges; or prohibitions against participation in Labouré activities or events.

IX. Appeals Process

The Complainant may request an appeal within ten (10) business days of the dismissal of a Formal Complaint or the Determination Letter. The Respondent may request an appeal within ten (10) business days of the Sanctions Letter. Appeals must be in writing and submitted to the Title IX Coordinator (the “Notice of Appeal”). The Notice of Appeal shall consist of a written statement explaining the grounds for the appeal and the basis. The appeal may be based only on one or more of the following grounds: (1) a procedural error of fairness; (2) substantive new evidence exists that was previously unknown, alters the facts and could have an impact on the outcome; and/or (3) a conflict of interest or a bias on the part of the Title IX Coordinator, the Title IX Investigator, the Title IX Decision-maker, or the Sanctions Administrator.

The Title IX Coordinator will notify the non-appealing party of the appeal and will provide them with a copy of the Notice of Appeal. The non-appealing party may submit a written response to the Title IX Coordinator within ten (10) business days of receiving the Notice of Appeal.

The College shall appoint an Appeals Officer to decide the appeal. The identity of the Appeals Officer shall be communicated to the parties as soon as his/her/their appointment. The Appeals Officer shall review the Title IX Decision-maker’s Determination, the Notice of Appeal, and the response of the non-appealing party. Within fourteen (14) business days after the deadline for the non-appealing party’s response, the Appeals Officer will provide their written decision describing the result of the appeal and the rationale for the decision simultaneously to the parties (the “Appeals Officer’s Decision”). These conclusions may include, but are not limited to:

- Reopening of the investigation.
- Affirming the original findings and sanctions.
- Reversing of the original findings and sanctions.
- Modifying the original findings.
- Modifying the imposed sanctions and remedies.

Appeal decisions are final.

X. Conflicts of Interest

In the event that the Complainant or Respondent believes that the Title IX Investigator, the Title IX Decision-maker, the Sanctions Administrator, and/or the Appeals Officer has a conflict of interest or bias in performing the functions required them under this policy, the Complainant or Respondent may seek to disqualify that person from the resolution process. The Complainant or Respondent may seek to disqualify the Title IX Investigator, the Title IX Decision-maker, the Sanctions Administrator, and/or the Appeals Officer by submitting a written objection to the Title IX Coordinator within two (2) business days of receiving notice of the subject individual’s appointment to their position. The written objection shall state the party’s reasons for believing that the subject individual is incapable of fairly judging the matter.

The Title IX Coordinator will decide whether an objection is justified, and that decision is final. If necessary, the College will select a replacement for any removed individual. The parties will have an opportunity to object to any individual selected as a replacement by submitting written notification with two (2) business days of receiving notice.

X. Confidentiality, Record-Keeping, Education & Training

A. Confidentiality & FERPA

All documents created in connection with the above resolution process, including but not limited to any written complaint, the investigative draft reports, the Title IX Investigator's Report, the Title IX Decision-maker's Determination, the Determination Letter, the Sanctions Letter, the Notice of Appeal, any response thereto, and/or the appeals decision will be kept confidential by the College. They will be shared only with individuals on a "need-to-know" basis. To the extent any of these documents constitute "education records" under FERPA, they will be treated accordingly. All parties to Labouré Title IX grievance process are expected to maintain the confidentiality of any documents they receive in connection with the process; this shall in no way limit the parties from discussing the allegations under investigation. A party who improperly disseminates any such documents, or otherwise discloses the contents of those documents to third parties, may be subject to disciplinary action.

B. Recordkeeping

The College will maintain the following for a period of seven (7) years:

Each sexual harassment investigation, including:

1. The Formal Complaint, including any withdrawals of a Formal Complaint.
2. Any notices of dismissal issued by the College.
3. Any notice to a Respondent that the College is proceeding without a Complainant.
4. The Initial Notice to the parties.
5. All written communications with the parties regarding interviews, hearings, and other meetings.
6. The Title IX Investigator's Draft Report, including any responses from the parties.
7. The Title IX Investigator's Report, including any responses from the parties.
8. Any communications from the Title IX Decision-maker to the parties scheduling the live hearing along with all audio-visual or other recordings from the live hearing.
9. Title IX Decision-maker's Determination.
10. The Determination Letter.
11. The Sanctions Letter.
12. Any Notice of Appeal, including any responses.
13. The Appeals Officer's Decision.
14. All materials used to train the Title IX Coordinator, the Title IX Investigator, the Title IX Decision-maker, the Sanctions Administrator, and the Appeals Officer.

C. Education & Prevention

The College embraces a multi-layered approach to educate the Labouré community about this policy and to prevent sexual harassment. The Department of Student Affairs works collaboratively to provide the community with educational opportunities as follows:

Orientation/Welcome Week: Students receive the Student Handbook and the Student Code of Conduct, which include the policies of the College.

Publication of this Policy: The College will publish this policy on its website, the student portal, in all handbooks and catalogs.

D. Training

The Title IX Coordinator, the Title IX Investigator(s), the Title IX Decision-maker(s), the Sanctions Administrator(s), and the Appeals Officer(s) will receive training that includes but is not limited to the following:

1. The definition of sexual harassment.
2. The scope of the College's education programs and activities.
3. How to conduct an investigation and grievance process (including hearings, appeals, and informal resolution processes).
4. How to serve impartially.

The Title IX Investigator(s) will receive additional training on issues of relevance so that they can create an investigative report that fairly summarizes the relevant evidence.

The Title IX Decision-maker(s) will receive additional training on relevance of questions and evidence and how to use any technology to be used at a live hearing.

All training materials referenced above is located [here](#).

The College trains faculty, staff, and Public Safety on the following topics:

- Responding to reports and complaints.
- Bystander intervention.
- Record-keeping and documentation.
- Assessing and reporting complaints of sexual harassment and sexual misconduct.
- The availability of Confidential Resources.
- The availability of other campus resources for support, advocacy, and medical assistance.

LABOURÉ COLLEGE OF HEALTHCARE RESERVES THE RIGHT TO AMEND OR MODIFY THIS POLICY AT ANY TIME

Labouré College of Healthcare

Title IX Sexual Harassment Policy

Date of implementation: August 12, 2020

Revised: June 29, 2021

Revised: August 28, 2023