

SPRINGFIELD COLLEGE STUDENT HANDBOOK 2016-2017

Updated 8.18.16

Dear Springfield College Student,

On behalf of the Springfield College community, I am delighted to welcome you to the 2016-2017 academic year! Since 1885, Springfield College has remained true to its founding mission of education students in spirit, mind and body for leadership in service to humanity.

The *Springfield College Handbook* provides hyperlinks to the many programs, departments and services that enhance the student experience at the College and serves as a centralized resource for all College, academic, community standards and residence hall policies. The policies, regulations, rights and responsibilities included in the Handbook have been established in the interest of all members of the College community to ensure we honor our commitment to creating and maintaining a community that affords all members opportunity for intellectual and personal development. These policies and the expectations that we have to support and respect each other are core components to our community and to our ability to live our Mission.

I am confident you will find Springfield College a compelling place with much to offer you including outstanding faculty, staff and students; a challenging curriculum; extensive co-curricular and athletic opportunities; and, an engaging residential experience. Our faculty and staff are committed to supporting and working with you to develop your intellectual passions and personal talents to enable you to live out our Mission. Please actively engage at the College, invest in yourself and others, offer your ideas and perspectives and create the experience you desire – one that prioritizes shared responsibility, personal growth and development, and the betterment of our society. I look forward to working with, supporting you and challenging you on your journey!

Sincerely,

Shannon M. Finning, Ph.D.
Vice President of Student Affairs

KEY PROGRAMS, DEPARTMENTS AND SERVICES

Office Name	Website	Campus Location	Phone Number
Office of Student Affairs	springfieldcollege.edu/student-life	325 Campus Union	413.748.3100
Campus Recreation -Alcohol and Other Drug Education and Health Promotions	springfield.edu/student-life/campus-recreation	Field House/Wellness Center	413.748.3396
Career Center	springfield.edu/student-life/career-center	227 Campus Union	413.748.3222
Community Standards		325 Campus Union	413.748.3922
Counseling Center	springfield.edu/student-life/counseling-center	Towne Health Center	413.748.3345
Dean of Students	springfield.edu/student-life/dean-of-students	325 Campus Union	413-748-3922
Health Center	springfield.edu/student-life/health-center	Towne Health Center	413.748.3175
Housing and Residence Life	springfield.edu/student-life/housing-and-residence-life	335 Campus Union	413.748.3102
Spiritual Life	springfield.edu/student-life/spiritual-life	350 Campus Union	413.748.3209
Student Activities and Campus Union -Student Organizations	springfield.edu/student-life/student-activities	213 Campus Union	413.748.3142
Student Volunteer Programs	springfield.edu/student-life/student-volunteer-programs	350 Campus Union	413.748.3394

ACADEMIC POLICIES

Links to academic policies will be available August 16, 2016.

CODE OF CONDUCT POLICIES:

Abuse and Assault Policy: Springfield College has expectations of the student body to resolve differences in a mature and respectful manner. Physical abuse, verbal abuse, threats, intimidations, coercion, and/or other conduct that threatens or endangers the health and safety of any other member of the College community on or off campus is prohibited. Due to the serious nature of such incidents, students found involved in violation of this policy may be suspended or expelled from the College.

Abuse of College Resources Policy: Instances where a student's behavior disrupts normal College operations, consumes an inordinate amount of College staff time and/or resources, or may interfere with the educational process and/or the orderly operation of the College are not permitted. Examples include: accumulating an excessive number of parking tickets or excessively locking themselves out of their assigned residence hall. Students who abuse college resources will be subject to the disciplinary process.

Aiding in the Violation of Community Standards Policy: Any act or action that supports and/or facilitates a violation of College policies is prohibited, whether before or after the actual violation. A student may be held

responsible as though they were a direct participant in the violation, even if information indicates that they were not directly involved in the committing of the violation.

Alcohol and Drug Policy: The illegal or abusive use of alcohol or drugs by members of the Springfield College community adversely affects this educational environment. Therefore, all members of the Springfield College community are expected to exemplify high standards of professional and personal conduct. The primary purpose of Springfield College is to educate students in the development of spirit, mind, and body for leadership in service to humanity.

The scope and impact of health risks from alcohol and drug abuse are both alarming and well documented, ranging from mood altering to life-threatening with consequences that extend beyond the individual to family, organizations and society at large. Springfield College has a policy of zero tolerance for the sale, possession or use of either drugs or alcohol. Springfield College seeks to assure the health and well-being of the entire College community. Therefore, consistent with state and federal laws, including the Drug-Free Schools and Communities Act and the Drug-Free Workplace Act, the College has adopted the following alcohol and drug policies designed to prevent the illicit use of drugs and the abuse of alcohol, and to provide opportunities for education and assistance to members of the College community. [Alcohol Policy](#)

The College acknowledges that we live within a social environment which establishes in law, a minimum age for the use of alcohol of twenty-one (21). As such, the College does, permit the use of alcohol on campus in a manner consistent with the law. The College does not allow the use of alcohol to lead to disruptive behavior or conduct which infringes upon the rights of those who wish to pursue their academic interests as responsible members of the community.

Springfield College is subject to the laws of the Commonwealth of Massachusetts regarding the consumption, purchase, possession, and transportation of any alcoholic beverage. Some of the more pertinent statutes and regulations that have an impact on the way the College relates to these issues are as follows:

1. No person, group or organization may sell alcoholic beverages except pursuant to a license granted by the Commonwealth through the local government licensing authority. Licensing authority does not give permission for groups to have an open bar on campus, except in a family residence.
2. No person shall operate a motor vehicle under the influence of alcoholic beverages. Violators may be subject to arrest, fine, mandatory court education programs, immediate loss of license and/or imprisonment.
3. No person or group shall purchase or otherwise procure alcoholic beverages for consumption by a person under 21 years of age. Violators may be subject to criminal charges and a fine.
4. No person under 21 years of age shall keep, purchase, sell, possess, or receive alcoholic beverages. Violators may be subject to arrest, criminal charges and fine.
5. No person shall use the state identification card, driver's license, or passport of another, or supply such identification to another, furnish false information in obtaining such identification, or alter or deface such identification. Violators may be subject to arrest, criminal charges and fines.
6. In addition to the criminal penalties for wrongful handling and use of alcoholic beverages, individuals who furnish or sell alcoholic beverages to minors or to persons who are intoxicated may be liable to such persons and to anyone else who suffers personal injury as a result of such furnishing or sale. This may result in a civil lawsuit.

Alcohol Policy and Procedures for Individual Use

1. Possession or use of alcohol in any form is strictly prohibited in first year residence halls, regardless of one's age. This restriction applies to all students of Springfield College, their guests, and members of their families.
2. Possession and consumption of alcoholic beverages on or off the Springfield College campus must be in compliance with Massachusetts state laws. Legal use of alcohol is limited to the privacy of students' rooms.
3. The possession, consumption or use of alcoholic beverages by those persons under the age of 21 is a violation of College Policy.
4. Alcohol consumption and/or carrying open containers of alcoholic beverages is not permitted in public areas of the residence halls (lounges, entrance ways, stairwells, lavatories, corridors, etc.) or in other College buildings, at athletic events, student activities, and outdoors on the campus unless specific written authorization is granted prior to the event by the Vice President for Student Affairs or his/her designee. The College defines an open container as (1) any container that is used to hold alcoholic beverages and from which the container's original seal is broken, (2) cups, including but not limited to, those with open tops into which a straw may be inserted.
5. Large quantities of alcohol are not permitted in residence halls or on the grounds of the campus. Any alcohol brought into the room by a resident and/or a resident's visitor or guest, which causes the alcohol quantity to exceed the limit, is considered a violation of the alcohol quantity policy. Cases of beer and kegs or beer balls, whether empty or full, tapped or untapped, are strictly prohibited and will be confiscated (taps and "keg-o-rators" included) by the College. Recognizing the serious health risks posed by excessive drinking, the College also prohibits drinking paraphernalia, including drinking funnels, all manners of drinking games, and preparation of spiked punch or "jungle juice."
6. Impairment, which could be attributed to the consumption of alcohol, that substantially interferes with student judgment and decision-making, causes disturbance, and/or requires the intervention of College personnel is prohibited.
7. Falsifying any identification cards and/or borrowing another student's ID to obtain alcohol or to gain entrance to functions where alcoholic beverages are being served will result in disciplinary action. Production and/or alteration of identification cards for sale and/or mass-production of such cards will result in College sanctions and may result in criminal prosecution.
8. Students possessing or delivering alcohol in the residence buildings and who appear to be under the age of 21 will be confronted by the staff. There is an expectation that students in this age category will abide by the law.
9. Disciplinary proceedings will be commenced against those students who are hosting a gathering where alcohol is served to minors and/or the consumption of alcohol by guests is not monitored. Underage students present where alcohol is found may face disciplinary action.
10. Abuse of alcoholic beverages is interpreted by the College as a lack of responsibility on the part of the student as determined in the discretion of the College and/or a violation of Massachusetts law and will not be tolerated. Alcohol abuse will lead to disciplinary action and/or required intervention.
11. Students who operate a motor vehicle while under the influence of alcohol either on or off campus will face disciplinary action and could face criminal prosecution.

Drug Policy: The College prohibits the possession, use, or distribution of any illegal and/or controlled substance as defined by the statutes of the Commonwealth of Massachusetts and the Federal Government. Considered to be evidence of drug-related violations and sufficient grounds for full disciplinary action include, but are not limited to the following:

1. Being in the presence of a controlled substance/illegal drug and/or being in the presence of smoke or odors associated with marijuana use;

2. Possession, use or distribution of all types of drug paraphernalia, including, but not limited to pipes, bongs, rolling papers, clips, and unauthorized use of syringes.

Possession of such paraphernalia will be considered sufficient evidence that a violation of the College drug policy has occurred. If found, any item will be confiscated. In addition, all students present at the time of the violation will be held responsible for the infraction. All residents of a room, apartment or townhouse in which such violations occur may be subject to the full range of disciplinary actions, even if they were not present at the time of the incident. As a result, resident students are particularly advised to give careful attention to anyone who has access to their rooms, apartments or townhouses. Any student who feels jeopardized by the actions of his/her roommate(s) should seek assistance from Housing and Residence Life staff so that the problems may be avoided.

Federal Law

Persons convicted of drug possession under state or federal law are ineligible for federal student grants and loans for up to one year after the first conviction and five years after the second.

Alcohol and Drug Treatment Programs

In addition to services and referrals offered through the Springfield College Counseling Center and Health Center, the following services and sources of information are available in the surrounding community:

Alcoholic Anonymous (AA) (self help programs)	413.532.2111
Narcotics Anonymous (NA) (self help programs)	413.782.3406
Providence Behavioral Health Care	413.539.2980
Holyoke Hospital	413.534.2627
Carlson Detoxification Center	413.794.5555
Baystate Medical Center (Admissions)	413.794.0000
Baystate Medical Center (Health Information)	413.794.2255
Gambler’s Anonymous (self help program)	800.426.1234
Alcoholic Anonymous (AA) (self help programs)	413.532.2111
Overeater’s Anonymous (self help program)	413.783.4198

Bias Incident Policy: Springfield College fosters respect for each individual by honoring the differences inherent among people. As a community of learners and scholars, we recognize and appreciate our common humanity. As such, bias-related violations of the Student Code of Conduct directed toward a person or group because of factors such as race, religion, ethnicity, ability, national origin, age, gender identity, gender expression, sex, sexual orientation or veteran status may be assessed enhanced sanctions. This policy will help to create an atmosphere in which allegations of discrimination or harassment are dealt with in a timely, private, fair and effective manner.

What is a bias-related incident?

An act directed against a person, group or property expressing hostility or bias on the basis of perceived or actual gender, race, religion, national or ethnic origin, sexual orientation or disability is a bias incident. Bias incidents may consist of slurs, epithets, name calling, use of degrading language, graffiti or slurs, intimidation, harassment or coercion directed at the targeted person or group. Bias acts occur whether the act is intentional or unintentional or is directed toward an individual or group and may contribute to creating an unsafe/unwelcoming environment for victims and social identity groups. Bias acts are considered such even when presented as a joke, prank, or delivered with humorous intent.

What do I do if I witness or am a target of a bias-related incident?

Immediately notify Public Safety at (413) 748-5555 to report the incident. Please note that reports will be filed with Public Safety, regardless of the presence of an alleged perpetrator (e.g., graffiti, etc). Public Safety will respond to the scene, collect evidence, interview witnesses, and file a report that states the situation may be a bias incident. Please do not touch any evidence of a bias related act; Public Safety has specific protocols for documenting, gathering, and removing of bias-- related graffiti or property damage

Communication Policy: Students are ultimately responsible for using official College communication methods. Failure to use official College methods does not excuse students from the content that may be received through each method. The official College communication methods are:

- Use of Springfield College Email system
- Mail delivered to a student's Springfield College mailbox
- Mail delivered to the last permanent address provided by a student for official communication purposes

Discrimination/Harassment Policy:

Springfield College does not discriminate against any person on the basis of race, color, religion, national or ethnic origin, age, sex, sexual orientation, disability, veteran status, or any other legally protected basis in the admission and access to, and employment and treatment in, its programs and activities.

Discrimination/harassment can be defined as any behavior that creates an intimidating, hostile, or offensive environment for any individual or group and can be in the forms of sexual, physical, or verbal conduct. It is important to note that discrimination/harassment on any demographic basis including race, color, religion, national or ethnic origin, age, sex, sexual orientation, gender identity or expression, disability, veteran status, or any other legally protected basis in admission and access to, and employment and treatment in, its programs and activities.

This policy applies to all members of the Springfield College community while they are on College property or participating in a college-related activity off campus, as well as visitors, parents, independent contractors, vendors and their representatives and others transacting business with the College. All aspects of these procedures described below apply to situations in which both complainants and respondents are employed at Springfield College.

All members of the College community should assume the responsibility to see that the College is free from all forms of harassment and that any harassment is properly reported.

Prohibited Conduct:

A. Harassment

Acts or communications causing emotional stress addressed to individuals or groups because of religion, gender, sexual orientation, age, disability, marital status or veteran's status is similarly prohibited by this policy.

Examples of impermissible harassment, including racial harassment, include the following:

- The use of physical force or violence to restrict the freedom or movement of another person or to endanger the health and safety of another person based on that person's race, color, etc.;
- Physical or verbal behavior that involves an expressed or implied threat to interfere or has as its purpose or has the reasonably foreseeable effect of interfering with an individual's personal safety, academic efforts, employment, participation in college sponsored extracurricular activities because of that individual's race, color, etc., and which causes that individual to have a reasonable apprehension that harm is about to occur;
- Any type of conduct that has the effect of unreasonably interfering with an individual's work or academic performance or creates an intimidating, hostile or offensive working or learning environment;
- Epithets, slurs or derogatory comments based on a person's race, color, etc.

B. Sexual Harassment:

The courts have recognized two different types of actionable harassment:

Hostile environment harassment is unwelcome conduct of a sexual nature that is sufficiently severe, persistent, or pervasive as to limit a person's ability to work or participate in a program or activity.

Quid pro quo harassment occurs when a person with authority uses submission to or rejection of unwelcome sexual conduct as the basis for making academic or employment decisions affecting a subordinate or a student. This kind of harassment usually involves explicit or implicit threats of retaliation for refusing to submit to sexual advances.

Examples of harassment include the following:

- The use of physical force or violence to restrict the freedom or movement of another person or to endanger the health or safety of another person based on the person's race, color, etc.;
- Any type of conduct that has the effect of unreasonably interfering with an individual's work or academic performance or creates an intimidating, hostile or offensive working or learning environment;
- epithets (byname), slurs or derogatory comments based on a person's race, color, etc.;
- unwelcome sexual propositions, invitations, solicitations, and flirtations; leering;
- unwelcome and inappropriate touching, patting, fondling, pinching, or obscene gestures;
- sexually suggestive objects, pictures, videotapes, audio recording or literature, or computerized transmissions placed in a viewable area that may embarrass or offend individuals;
- in the case of coworkers or individuals in positions of authority, conduct of nature set forth above when the effect unreasonably interferes with the ability of persons to perform his or her employment or academic responsibility, or when the effect is to create an offensive, intimidating and; or hostile working or learning environment for that person.

Such unwelcome behavior has the potential to severely alter the condition of the victim's employment or academic surroundings and results in a work or educational environment that a reasonable person would find abusive or offensive.

It should be emphasized, however, that isolated instances (e.g., a single comment or joke) ordinarily will not constitute harassment unless it is repeated or egregious. Harassment may not be present if the conduct is welcomed or encouraged. The College will take appropriate remedial action to address any inappropriate conduct, even if it does not meet the legal definition of harassment.

C. Discrimination:

Springfield College is committed to protecting the rights and dignity of individuals and supports the educational and professional enhancement of all the employees and students. Each member of the Springfield College community is expected to work diligently to eliminate all forms of discriminatory conduct, including institutional and personal patterns that directly or indirectly feed the destructive forces of discrimination.

Examples of discrimination include but are not limited to the following situations:

- Potential discrimination when requesting disability leave, maternity leave, or retirement options;
- Discriminating based on a physical or mental impairment that substantially limits one or more of your major life activities;
- Termination of employment on the basis of age.

Procedures:

Any member of the College community who believes he or she has been a victim of discrimination/harassment as defined in this policy is urged to bring the matter to the attention of the Office of Human Resources, or other appropriate individuals listed within this policy. Any member of the community has a right to file a complaint with the College.

If you have experienced any form of harassment please do the following:

Respond immediately: Sometimes, telling the discriminator and/or harasser that his/her behavior is unwelcome will stop the conduct. State an emphatic "NO" in the case of harassment at the time. Be direct and firm. Clearly express disapproval of any behavior that causes discomfort. Communicate that it is unwelcome and that you want the behavior to stop. Ignoring or avoiding a discriminator and/or a harasser usually does not work. If you are unable to confront the discriminator and/or harasser in person, try writing a letter. In the letter, include a detailed account of the conduct you find offensive, including dates. State the impact the conduct has had on you and that you will take further action if the behavior does not stop. Keep a copy of the letter.

Keep records: Document all incidents and conversations that might constitute discrimination and/or harassment, including dates, times, places, witnesses, and an accurate description of specific incidents. Write down quotes so that you can recall at a later date the exact language used.

Talk to someone: If the discrimination/harassment does not stop, or you are reluctant or unable to confront the person verbally or in writing, talk to someone. Talk to a supervisor or someone of authority at the College whom you trust. You may also consult one of the individuals listed within this policy. The College also encourages individuals who have witnessed, or who have knowledge of, discrimination/harassment directed at any member of the College community, to report such conduct immediately to the individuals listed within this policy.

Informal resolution:

Many claims of discrimination/harassment may be resolved informally. The goal of an informal resolution is to end the offensive or unwelcome behavior. The dean of the respective school, the director of human resources, or the vice president of the respective division will work with the complainant and the respondent to reach an informal resolution.

Examples of informally reached outcomes might include:

- Mediation, informal conversation between the complainant and respondent;
- Attending educational programs;
- Adjusting residential or academic placement of either the complainant or respondent.

Resorting to formal hearings will be avoided whenever possible. The purpose of informal adjudication is to arrange an appropriate solution acceptable to all parties concerned. At the conclusion of the informal process, the only document that will be maintained is a memorandum of understanding, signed by both parties, and maintained by the Office of Human Resources.

Informal proceedings must be exhausted before formal proceedings will commence.

Formal resolution:

If informal efforts to resolve a problem are not successful, or if informal resolution is inappropriate or inadequate based on the severity of a case, or if the respondent is a known prior offender, then a formal resolution may be necessary. Formal written complaints must be filed with the Office of Human Resources.

A representative from the Office of Human Resources will monitor the implementation of these formal grievance procedures, and either party may request a formal hearing.

The human resources representative will schedule all committee meetings, oversee the process and procedures, and attend hearings, if necessary, as a nonparticipating, nonvoting member. The representative will NOT contribute to the writing of the Hearing Committee's findings. The decision of the committee is presented to the director of human resources. The director of human resources, in consultation with the president or designated representative, will render a written decision to the complainant. This decision is final.

Confidentiality:

Springfield College acknowledges that all stages of any proceeding will be maintained with the utmost confidentiality as is appropriate under the circumstances, as determined by the College. A breach of confidentiality compromises the ability of Springfield College to investigate and resolve claims of harassment. Springfield College will attempt to protect the confidentiality of the proceedings and circumstances giving rise to the dispute. Until resolution has been achieved, participants are requested to discuss the matter only with those persons on a "need to know" basis such as:

- When the College is required by law to disclose information (such as responses to legal process);
- When confidentiality concerns are outweighed by the College's interest in protecting the safety and rights of others.

If you think you are experiencing harassment, witnessed harassment, or received a report of harassment, you are urged to contact one of the individuals listed below. If you have been accused of harassment, you should seek the advice of one of these individuals as well.

Who to contact for assistance with harassment claims:

Internal resources for filing a complaint:

- Vice President for Student Affairs, ext. 3100
- Dean of Students, ext. 3922
- Public Safety, ext. 5555
- Counseling Center, ext. 3345
- Health Center, ext. 3175
- Office of Human Resources, ext. 3118
- Title IX Representative, ext. 3031
- Dean, School of Social Work, ext. 3057
- Dean, School of Human Services, ext. 3982
- Vice President for Academic Affairs, ext. 3196

External resources for filing a complaint:

Massachusetts

The Massachusetts Commission Against Discrimination (MCAD)

MCAD Boston Office

One Ashburton Place-Room 601

Boston, MA 02108

(617) 994-6000

TTY (617) 994-6196

mass.gov/mcad/

The United States Equal Employment Opportunity Commission (EEOC)

John F. Kennedy Federal Building

475 Government center

Boston, MA 02203

(800) 669-4000

www.eeoc.gov/

Massachusetts Commission Against Discrimination (MCAD) Springfield Office

436 Dwight Street, Room 220

Springfield, MA 01103

(413) 739-2145

California

California Dept. of Fair Employment and Housing

1055 West 7th St., Suite 1400

Los Angeles, CA 90017

(213) 439-6799

The United States Equal Employment Opportunity Commission (EEOC)

Roybal Federal Building , 4th Floor
255 E. Temple St.
Los Angeles, CA 90012
(800) 669-4000

Delaware

Delaware Dept. of Labor
Pencader Corporate Suites, Suite 104
Newark, DE 19702
(800) 464-4357

The United States Equal Employment Opportunity Commission (EEOC)
801 Market St, Suite 1300
Philadelphia, PA 19107-3127

Florida

Florida Commission on Human Relations
2009 Appalachee Parkway, Suite 200
Tallahassee, FL 32301-4857
(850) 488-7082

The United States Equal Employment Opportunity Commission (EEOC)
One Biscayne Tower
2 South Biscayne Blvd., Suite 2700
Miami, FL 33131
(800) 669-4000

New Hampshire

NH Commission for Human Rights
2 Chenell Dr., Unit 2
Concord, NH 03301-8501
(603) 271-2767

The United States Equal Employment Opportunity Commission (EEOC)
John F. Kennedy Federal Building
475 Government center
Boston, MA 02203
(800) 669-4000
eoc.gov

South Carolina

South Carolina Human Affairs Commission
PO Box 4490
2611 Forest Dr., Suite 200

Columbia, SC 29204
(803) 737-7800

The United States Equal Employment Opportunity Commission (EEOC)
301 N. Main St., Suite 4R30
Greenville, SC 29601-9916
(800) 669-4000

Texas

Texas Workforce Commission
1137 North Esplanade St.
Dallas, TX 77954-3433
(361) 277-8870

The United States Equal Employment Opportunity Commission (EEOC)
Total Plaza
1201 Louisiana St, 6th Floor
Houston, TX 77002
(800) 669-4000

Vermont

Attorney General of Vermont, Civil Rights Division
109 State St.
Montpelier, VT 05602
(888) 745-9195

The United States Equal Employment Opportunity Commission (EEOC)
John F. Kennedy Federal Building
475 Government center
Boston, MA 02203
Revision Date: August 7, 2012
(800) 669-4000
eeoc.gov

Wisconsin

Wisconsin Dept. of Workforce Development
819 North 6th St., Rm. 723
Milwaukee, WI 53203
(414) 227-4384

The United States Equal Employment Opportunity Commission (EEOC)
Reuss Federal Building, Suite 800
310 W. Wisconsin Ave.
Milwaukee, WI 53203-2292
(800) 669-4000

Retaliation:

No faculty member, administrator, staff, student, visitor, or applicant for employment may be subject to retaliation for action taken in good faith to seek advice concerning a harassment matter, to file a harassment complaint, or to serve as a witness or a panel member in the investigation or adjudication of harassment complaint.

It is in violation of this policy to retaliate against a complainant for making a claim of harassment. If warranted, the appropriate senior administrator may monitor performance review, promotion, reappointment, or other evaluation or, to the extent possible, may assign the supervisory relationship to ensure that retaliation does not occur.

Retaliation, if established, may result in disciplinary action against the offending party up to and including termination of employment from the College.

504 Grievance Procedure

The full 504 grievance procedure is available at: <http://springfield.edu/academic-success-center/504-grievance-procedure>

Endangering Behavior Policy: Conduct or reckless actions that threaten or that endanger the general health or safety of any member of the community, including one’s self, the community at large, and/or the operations of the College.

Failure to Comply or Identify; Misrepresentation with a request or directive of a College official (Public Safety officer, residence hall staff member, faculty member, or administrator) Policy: Examples include but are not limited to failing to produce identification, withholding material information from the College and/or making false statements, distortions or misrepresentations of information to any College official during an investigation, hearing or conduct process. Failure to comply with the conditions of a sanction imposed as the result of a disciplinary hearing is also covered under this policy.

Financial Obligations Policy: Tuition, fees, and other charges are payable when due. Deadlines for payment of tuition, fees and other charges are as follows:

- Fall Term Aug. 1
- Intersession Term Jan. 1
- Spring Term Jan. 1
- Summer Term May 1

Accepted methods of payment include cash, check or money order, made payable to Springfield College. Electronic payments, including ACH and credit card payments, are accepted online through PrideNET, with credit card payments being assessed a 2.75% convenience fee. The College does not accept credit card payments in the office or by phone. There is a penalty charge of \$35 per check for all returned check and ACH payments. Students may also enroll in one of the College’s payment plan options for their convenience.

Students whose accounts are not paid in full by the tuition due date are not able to participate in residence hall room selection, receive transcripts, or a diploma and are not permitted to register for a new semester until the balance owed is paid in full. Payments not received by the due date will be subject to a late fee of \$75 for each month a balance is past due.

Accounts with a past due balance of 30 days or more may be placed in collections. If an account is referred to an outside collection agency, the student is responsible for all collection costs, including agency fees, attorney fees and court costs, in addition to the amount(s) owed to the College. Additional action, including credit bureau reporting and a requirement of upfront payment for any future registration may also apply.

Registered students are considered enrolled at the College unless they complete a Withdrawal Request form at the Office of the Registrar. Not attending classes does not constitute withdrawing or dropping a class. Students will be held responsible for all charges on their account. Please refer to the College's withdrawal and refund policy at <http://springfield.edu/business-office/refund-policy>.

For additional financial obligation and payment information, please refer to the College's Business Office website at <http://springfield.edu/business-office>.

Firearms and Weapons Policy: It is a violation of Massachusetts state law and College policy to possess a firearm or other dangerous weapon on campus.

Examples of weapons considered dangerous are: explosives, knives, pellet guns, paint guns*, slingshots, blades, wrist rockets, ammunition, fireworks, dangerous chemicals, and martial arts weapons. "Nunchucks, klackers, Kung-Fu sticks, or any other similar weapon consisting of two sticks of wood, plastic, or metal connected at one end by a length of rope, chain, wire, or leather" are illegal in the Commonwealth of Massachusetts (Massachusetts law, section 129C of Chapter 140). The law also includes "shreiken or any other similar pointed starlike objects intended to injure a person when thrown," as well as "billy clubs or other dangerous weapons."

Students may not bring any weapons on campus. Any firearms or weapons found on campus will be immediately confiscated and held by the Department of Public Safety. The student will face severe disciplinary action on campus and, consistent with the Commonwealth's law, may also face imprisonment for not less than six months nor more than two and one half years in a jail or house of correction.

* All paint guns must be used only for off campus activities and must be kept at Public Safety.

Gambling Policy: Springfield College is committed to providing a safe environment for all students to learn and flourish. Springfield College cannot and will not condone any form of illegal gambling activity. Springfield College wants students to know that gambling is not a "risk free" activity. The Counseling Center provides services to assist students that may be experiencing a gambling problem or gambling related difficulties.

Gender-Based Misconduct Policy

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I. INTRODUCTION

Title IX of the Education Amendments of 1972 (“Title IX”) prohibits discrimination based on sex in the education programs and activities of an institution which receives federal financial assistance. As a recipient of federal financial assistance, Springfield College (the “College”) is required to adhere to Title IX requirements.

Title IX applies to programs and activities such as recruitment, admissions, financial aid and scholarships; course offerings and access; athletics; hiring and retention; and benefits and leave. Title IX also protects students and employees against unlawful acts of sexual violence, sexual harassment, sexual exploitation, domestic violence, dating violence, and stalking (collectively “gender-based misconduct”), in College programs and activities as well as from retaliation for advocating a right protected under Title IX. Sex and gender-based discrimination can be perpetrated by men or women and can occur between people of the same or different sex.

In compliance with Title IX, the College prohibits discrimination on the basis of sex in employment as well as in admission, enrollment and in the provision of all services, programs and activities.

II. PURPOSE AND SCOPE OF POLICY

1. STATEMENT OF INSTITUTIONAL VALUES

Gender-based misconduct is a violation of a person’s rights, dignity and integrity. An act of gender-based misconduct represents a fundamental failure by a community member to recognize and to respect the intrinsic

worth and dignity of another. Acts of gender-based misconduct are harmful and illegal and will not be tolerated at the College. Such acts corrupt the integrity of the educational process, and are contrary to the Humanics Philosophy in which the College's mission is built upon.

All members of the College community should be free from any gender-based misconduct in the classroom; the social, recreational and residential environment; and the workplace. The College seeks to foster a climate free from gender-based misconduct through a coordinated education and prevention program and clear and effective policies, as well as investigative and grievance procedures that are prompt, equitable and accessible to all. In response to any reported gender-based misconduct, the College will take all appropriate steps to eliminate the misconduct, prevent its recurrence and address its effects.

In order to foster a climate of respect for oneself and for one another and to provide for the safety and security of our community, the College expects all community members to take action to prevent acts of gender-based misconduct. Creating a safe campus environment is the responsibility of all members of the College community, both individually and collectively.

In order to foster a climate that encourages reporting of gender-based misconduct, the College will actively educate the community, will respond to all allegations promptly, will provide interim remedies to address safety, emotional well-being and academic needs and will act in a manner that recognizes the inherent dignity of the individuals involved.

In order to achieve equitable results, the College will carefully review and/or investigate all reports with an earnest intent to understand the perspective and experiences of each individual involved and provide for fair and impartial evaluation and resolution.

2. PURPOSE OF POLICY

The purpose of this Gender-Based Misconduct Policy ("Policy") is to provide the College community with a clearly articulated set of behavioral standards, common understandings of definitions and key concepts and descriptions of prohibited conduct. This Policy applies to all community members, including students, employees, and non-members, regardless of sexual orientation, gender identity or gender expression. It is intended to protect and guide students, faculty, staff and non-members who have been affected by gender-based misconduct, whether as a Complainant, a Respondent or a third party.

When used in this Policy, "Complainant" refers to the individual who believes him or herself to have been the subject of gender-based misconduct. "Respondent" refers to the individual who has been accused of gender-based misconduct. "Third party" refers to any other participant in the process, including a witness to the incident or an individual who makes a report on behalf of someone else. "Report" refers to any incident or

concern regarding gender-based misconduct that is disclosed to the Title IX Coordinator, one of the Deputy Title IX Coordinators or any other College employee. A "Complaint" is an allegation of gender-based misconduct filed against an employee, student or non-member that initiates the appropriate process.

"Responsible employee" is defined as an employee of the College. All employees are considered "Responsible employees" and have a duty to report, unless they fall under "Confidential Resources". Student workers are generally not "Responsible Employees" except for a few select categories. (see Section VI). Reporting parties must share appropriate details to the Title IX Coordinator so the Title IX Coordinator can initiate contact and provide information on support, options and interim remedies.

This Policy will define terms related to gender-based misconduct as well as:

- Identify resources and support for all members of the College community
- Identify the Title IX Coordinator, Deputy Title IX Coordinators and their roles
- Provide information about where a College community member can obtain support or access Confidential Resources
- Provide information about how a College community member can make a report on campus or off campus, and
- Provide information about how a report against a College community member will be investigated, evaluated and resolved.

3. SCOPE

As stated above, this Policy applies to all members of the College community, including all employees, students, visitors and independent contractors, regardless of sexual orientation, gender identity or gender expression. When used in this Policy, "Student" generally refers to matriculated and non-matriculated students at all campus locations. The process for student respondents can be found in Section X. When used in this Policy, "Employee" generally refers to both staff and faculty members at all campus locations. There is separate complaint, investigative and resolution process for employees, see Section XI. When the Policy uses "Non-Member", this may include independent contractors, vendors, visitors and others who conduct business with the College or on College property and are also expected to comply with this Policy. The process for non-member respondents can be found in Section XII.

All College community members are responsible for their actions and behavior, whether the conduct in question occurs on the main campus, regional campuses or in another locations. Members of the College community have a responsibility to adhere to College policies and local, state and federal laws.

As a result, this Policy applies both to on-campus and off-campus conduct. In particular, off-campus behaviors that have an actual or potential adverse impact on any member of the College community or the College fall under this Policy.

Any individual may make a report alleging a violation of this Policy. The College will provide resource options and respond promptly and equitably to all allegations of gender-based misconduct. The College will engage in a Title IX review throughout which it is committed to maintaining fairness for all parties and as well as balancing the needs and interests of the individuals involved with the safety of the community as a whole.

III. COORDINATION WITH NON-DISCRIMINATION

In compliance with Title IX, the College prohibits discrimination on the basis of sex in employment as well as in admission, enrollment, and in the provision of all services, programs, and activities. The College is committed to providing an environment free from discrimination, including discrimination that is based upon sex, sexual orientation, gender identity and gender expression. Targeting individuals on the basis of these characteristics is also a violation of the community standards. Under these circumstances, the College will coordinate the investigation and resolution efforts to address discrimination related to the targeted individual's sex, sexual orientation, gender identity or gender expression. To view Springfield College's Notice of Non-Discrimination, click on the following link: http://springfield.edu/sites/default/files/documents/human_resources/Notice-of-Non-Discrimination-policy.pdf

1. Notice of Non-Discrimination for Title IX

As noted above, members of the Springfield College community, and guests and visitors have the right to be free from all forms of gender- and sex-based discrimination, examples of which can include, but are not limited to, acts of sexual violence, sexual harassment, sexual exploitation, domestic violence, dating violence, and stalking. It is an expectation that all members of our community conduct themselves in a manner that does not infringe upon the rights of others. To view Springfield College's Title IX Notice of Non-Discrimination Policy, click on the following link: <http://springfield.edu/sexual-assault-prevention-and-response/notice-of-non-discrimination>

2. College Statement on Privacy and Confidentiality

The College is committed to protecting the privacy of all individuals involved in the investigation and resolution of a report under this Policy. The College also is committed to providing assistance to helping students, employees and non-members make informed choices. With respect to any report under this Policy, the College will take reasonable efforts to protect the privacy of participants, in accordance with applicable state and

federal law, while balancing the need to gather information to assess the report and to take steps to eliminate gender-based misconduct and prevent its recurrence, and remedy its effects.

Privacy and Confidentiality have distinct meanings under this Policy.

Privacy: Privacy means that information related to a report of gender-based misconduct will be shared with a limited circle of College employees who “need to know” in order to assist in support of the Complainant and in the assessment, investigation, and resolution of the report.

Confidentiality: Confidentiality exists in the context of laws that protect certain relationships, including medical and clinical care providers, mental health providers, counselors, and ordained clergy (but not those who provide administrative services related to the provision of those services) all of whom may engage in confidential communications under Massachusetts law. The College provides a number of Confidential Resources, both on and off campus (see Section V) for both the Complainant and Respondent.

When the College has received a gender-based misconduct report through a non-Confidential Resource, but the Complainant requests that his/her identity remain confidential or that the College not pursue an investigation, the College must balance this request in the context of its responsibility to provide a safe and non-discriminatory environment for all college community members, including the Complainant. The College will take all reasonable steps to investigate and to respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation, but its ability to investigate may be limited by the request for confidentiality. Although rare, there are times when the College may not be able to honor a Complainant's request in order to provide a safe, non-discriminatory environment for all students.

The College has designated its Title IX Coordinator as the individual responsible for evaluating requests for confidentiality. When weighing a Complainant's request for confidentiality or that no investigation or discipline be pursued, the Title IX Coordinator will consider the following:

- The increased risk that the Respondent will commit additional acts of gender-based misconduct, such as:
 - Whether there have been other reports of gender-based misconduct against the same Respondent
 - Whether the Respondent has a history of arrests or records from a prior school indicating a history of violence
 - Whether the Respondent threatened further gender-based misconduct or other violence against the Complainant or others
 - Whether the gender-based misconduct was committed by multiple Respondents
 - Whether the gender-based misconduct involved the use of a weapon

- Whether the Complainant is under 18 years of age
- Whether the College possesses other means to obtain relevant evidence of the gender-based misconduct (e.g. security cameras, physical evidence), and
- Whether the Complainant's report reveals a pattern of gender-based misconduct (e.g. via illicit use of drugs or alcohol, at a particular location, or by a particular group).

The presence of one or more of these factors could lead the College to investigate and, if appropriate, to pursue disciplinary action. If none of these factors are present, the College will likely respect the Complainant's request for confidentiality, but may nonetheless be prompted to consider broader remedial action, such as: increased monitoring, supervision or security at locations where the gender-based misconduct occurred; increased education and prevention efforts, including to targeted population groups; conducting climate surveys; and/or revisiting its policies and practices. All resolution proceedings are conducted in compliance with the requirements of Family Educational Rights and Privacy Act (FERPA), the Clery Act, Violence Against Women Act (VAWA), Title IX and College policy.

At all times, the College will seek to respect the request of the Complainant, and where it cannot do so, the College will advise the Complainant and keep him/her informed about the chosen course of action, and, to the extent possible, share information with only those people responsible for handling the College's response. The College may not require a Complainant to participate in any investigation or disciplinary proceeding.

IV. DEFINITION OF GENDER-BASED MISCONDUCT

1. FORMS OF PROHIBITED SEXUAL HARASSMENT

Sexual harassment is prohibited. In some cases, sexual harassment is obvious and may involve an overt action, a threat or reprisal. In other instances, sexual harassment is subtle and indirect, with a coercive aspect that is unstated. Springfield College's Discrimination/Harassment Policy is available here:

http://springfield.edu/sites/default/files/documents/human_resources/HarassmentPolicy.pdf

Sexual harassment is any unwelcome sexual advance, request for sexual favors or other unwelcome verbal or physical conduct of a sexual nature. Definitions of sexual harassment include:

Hostile environment harassment is unwelcome conduct of a sexual nature that is sufficiently severe, persistent, or pervasive as to limit a person's ability to work or participate in a program or activity.

Quid pro quo harassment occurs when a person with authority uses submission to or rejection of unwelcome sexual conduct as the basis for making academic or employment decisions affecting a subordinate or a student.

This kind of harassment usually involves explicit or implicit threats of retaliation for refusing to submit to sexual advances.

Examples of harassment include the following:

- The use of physical force or violence to restrict the freedom or movement of another person or to endanger the health or safety of another person based on the person's race, color, etc;
- Any type of conduct that has the effect of unreasonably interfering with an individual's work or academic performance or creates an intimidating, hostile or offensive working or learning environment;
- Epithets (byname), slurs or derogatory comments based on a person's race, color, etc.
- Unwelcome sexual propositions, invitations, solicitations, and flirtations; leering;
- Unwelcome and inappropriate touching, patting, fondling, pinching, or obscene gestures;
- Sexually suggestive objects, pictures, videotapes, audio recording or literature, or computerized transmissions placed in a viewable area that may embarrass or offend individuals;
- In the case of coworkers or individuals in positions of authority, conduct of nature set forth above when the effect unreasonably interferes with the ability of persons to perform his or her employment or academic responsibility, or when the effect is to create an offensive, intimidating and; or hostile working or learning environment for that person.

Such unwelcome behavior has the potential to severely alter the condition of the victim's employment or academic surroundings and results in a work or educational environment that a reasonable person would find abusive or offensive.

It should be emphasized, however, that isolated instances (e.g., a single comment or joke) ordinarily will not constitute harassment unless it is repeated or egregious. Harassment may not be present if the conduct is welcomed or encouraged. The College will take appropriate remedial action to address any inappropriate conduct, even if it does not meet the legal definition of harassment.

2. ADDITIONAL FORMS GENDER-BASED MISCONDUCT

Gender-based misconduct can include acts of sexual violence, domestic violence, dating violence, sexual exploitation, and stalking and may vary in its severity and consists of a range of behaviors. The following descriptions represent sexual behaviors that violate the College's community standards and a person's rights, dignity and integrity.

Sexual Violence: Physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. This includes rape, sexual assault, battery and sexual coercion. Sexual violence may involve individuals

who are known to one another or have an intimate and/or sexual relationship, or may involve individuals not known to one another. Examples include, but are not limited to:

- Having or attempting to have sexual intercourse with another individual without consent. Sexual intercourse includes vaginal or anal penetration, however slight, with a body part or object or oral copulation by mouth-to-genital contact.
- Having or attempting to have sexual contact with another individual without consent. Sexual contact includes kissing, touching the intimate parts of another, causing the other to touch one's intimate parts or disrobing of another without permission. Intimate parts may include the breasts, genitals, buttocks, mouth or any other part of the body that is touched in a sexual manner.

Domestic Violence: Domestic violence is defined as a pattern of coercive and controlling behaviors and tactics used by one person over another to gain power and control. This may include verbal abuse, financial abuse, emotional, sexual, and physical abuse. Domestic violence occurs in heterosexual, as well as same-sex partnerships, and crosses all ethnic, racial and socio-economic lines. Massachusetts General Laws Chapter 209A Section 1 defines Domestic Violence as the occurrence of one or more of the following acts between family or household members:

- attempting to cause or causing physical harm
- placing another in fear of imminent serious physical harm
- causing another to engage involuntarily in sexual relations by force, threat or duress

“Family or household members” are persons who:

- are or were married to one another
- are or were residing together in the same household
- are or were related by blood or marriage
- have a child in common regardless of whether they have ever married or lived together, or
- are or have been in a substantive dating or engagement relationship.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

Sexual Exploitation: An act or acts committed through non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage or any other non-legitimate purpose. The act or acts of sexual exploitation are prohibited even though the behavior does not constitute one of the other sexual misconduct offenses. Sexual exploitation may involve individuals who are known to one another, have an intimate or sexual relationship and/or individuals not known to one another. Examples include, but are not limited to:

- Observing another individual's nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved
- Non-consensual streaming of images, photography, video or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all parties involved
- Prostituting another individual
- Knowingly exposing another individual to a sexually transmitted disease or virus without his or her knowledge, and
- Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

Stalking: In Massachusetts, "stalking " is a specific criminal offense found in the penal code. Stalking refers to a clear, repetitive pattern of intentional unwanted, harassing, or threatening behavior directed toward another person that causes fear of personal safety or that of immediate family members.

Aiding or Facilitating: Aiding, facilitating, promoting or encouraging the commission of a violation under this Policy. Aiding or facilitating may also include failing to take action to prevent an imminent act when it is reasonably prudent and safe to do so. Taking action may include directly intervening, calling Springfield College's Public Safety Department or local law enforcement or seeking assistance from a person in authority.

Intimidation: Placing another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the person to actual physical attack.

Retaliation: Acts or attempts to retaliate or seek retribution against the Complainant, Respondent or any individual or group of individuals involved in the investigation and/or resolution of an allegation of gender-based misconduct. Retaliation can be committed by any individual or group of individuals, not just a Respondent or Complainant. Retaliation may include continued abuse or violence, other forms of harassment, slander and libel. Retaliation does not include reports and/or complaints of gender-based misconduct that are made in good faith.

3. STATEMENT ON CONSENT, COERCION, INCAPACITATION AND ALCOHOL

Consent to engage in sexual activity must be knowing and voluntary. Consent to engage in sexual activity must exist from the beginning to 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 all forms of sexual contact. For example, an individual may agree to kiss but choose not to engage in touching of the intimate parts or sexual intercourse. An individual should obtain consent before moving from one act to another.

Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Each person must obtain individual consent.

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.

Consent consists of an 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.

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 to previous sexual activity does not constitute consent in the future. Consent must be obtained each time.

In the state of Massachusetts, consent can never be given by minors under the age of 16.

Consent is not effective if it results 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 or her own free will to choose whether or not to have sexual contact. Coercion includes the use of pressure and/or oppressive behavior, including express or implied threats of harm and/or severe and/or pervasive emotional intimidation, which places an individual in fear of immediate or future 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.

An individual who is incapacitated is not able to make rational, reasonable judgments and therefore is incapable of giving consent. Incapacitation is the inability, temporarily or permanently, to give consent, because the individual is mentally and/or physically helpless due to drug or alcohol consumption, either voluntarily or involuntarily, or the individual is unconscious, asleep or otherwise unaware that the sexual activity is occurring. In addition, an individual is incapacitated if the individual demonstrates that 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, lack of awareness of circumstances or surroundings or the inability to communicate for any reason. An individual may experience a blackout state in which he/she appears to be giving consent but does 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 due to alcohol and/or drug use. 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 the sexual activity.

The College considers sexual contact while under the influence of alcohol or drugs to be risky behavior. Alcohol and drug use impairs a person's decision-making capacity, awareness of the consequences and ability to make informed judgments. Being intoxicated or impaired by drugs or alcohol is never an excuse for gender-based misconduct and does not excuse one from the responsibility to obtain consent.

4. CONSENSUAL SEXUAL RELATIONSHIPS BETWEEN EMPLOYEES AND STUDENTS

The College is committed to maintaining an environment where the education of students is of the greatest importance. Dating, romantic, or sexual relationships between College employees and students, even if consensual, can negatively interfere with the student's pursuit of learning and the educational environment and the integrity of the College. Power differentials, real or perceived, can diminish a student's ability to give meaningful consent to such a relationship. An employee's ability to provide College services without partiality is suspect when the employee and the student have a Consensual Relationship. Even when the employee and student act with integrity, others may perceive bias, partiality, or influence. Furthermore, the dissolution of these relationships can create discord and significantly impair the normal operations of the College. For these reasons, Consensual Relationships between students and employees, including relationships that occur when College is not in session or students are on leave, are prohibited. For more information on the College's Consensual Relationship Policy review the following link.

[relationship://springfield.edu/sites/default/files/documents/policies/cons-relationship-policy.pdf](http://springfield.edu/sites/default/files/documents/policies/cons-relationship-policy.pdf)

V. Resources

1. OVERVIEW

The College is committed to treating all individuals with dignity, care and respect. Any individual affected by gender-based misconduct, whether as a Complainant, a Respondent or a third party, will have access to support and counseling services through the College. The College recognizes that any individual involved in an incident of gender-based misconduct may have questions and we encourage College community members to seek the support of campus and community resources. The College can provide guidance in making decisions, obtaining information about available resources and assisting either party in the event that a report and/or resolution is pursued. Individuals are encouraged to use all available resources, regardless of whether the incident occurred recently or in the past.

Complainants, Respondents and third parties can expect

- The opportunity to meet with the Title IX or a Deputy Title IX Coordinator to answer questions regarding the College's complaint processes for students and employees.

- Notice of Confidential Resources, including, Sexual Assault Victim Advocates, and health care and mental health counseling services, on campus and/or the local community.
- Notice of the option to pursue law enforcement action and to be assisted by Springfield College's Public Safety Department or other College officials in accessing and communicating with such authorities. This notice will include a discussion of the importance of the preservation of evidence.
- The opportunity to request that the College take steps to prevent unnecessary or unwelcome contact or communication with another member of the community.
- The right to be free from retaliation. Any concerns of retaliatory behavior should be immediately reported to Springfield College's Public Safety Department, the Title IX Coordinator or a Deputy Title IX Coordinator.

2. CONFIDENTIAL RESOURCES

The College encourages all community members to report an incident of gender-based misconduct. The College recognizes, however, that there are many barriers to reporting, both individual and societal, and not every individual will choose to make a formal report with the College or with local law enforcement. For those individuals who are not prepared to make a report, there are several Confidential Resources available for students, staff and faculty. Individuals seeking to talk to someone about an incident of gender-based misconduct in a confidential manner without making a report to the College or triggering any investigation or action by the College may utilize the following confidential medical, mental health resources. Students, faculty and staff have access to resources located in the local community. These organizations can provide crisis intervention services, counseling, medical attention and assistance in interfacing with the criminal justice system.

All individuals are encouraged to utilize the resources that are best suited to their needs, whether on or off campus. In general, off-campus resources can provide assistance to individuals wishing to make a report to the College but will not notify the College without the consent of the Complainant (and might not notify the College at all). These resources hold a statutorily protected confidentiality that prohibits the release of an individual's information without that individual's express consent (except under limited circumstances that pose an imminent danger to the individual or to others). The following resources are confidential:

Confidential Resources On and Off Campus

<u><i>On Campus Support</i></u>	<u><i>Off Campus Support</i></u>
<p>Sexual Assault Victim Advocates (SAVAs) – 413.748.3544 On call support services available 24/7.</p>	<p>Springfield, YWCA – 413.733.7100 Confidential Resources for domestic violence and sexual assault victims</p>
<p>Counseling Center – 413.748.3345 Counselors are available during regular office hours and after hours Call Public Safety at 413.748.555.</p>	<p>Baystate Medical Center – 413.794.3233 Sexual Assault Nurse Examiner (SANE) available to conduct examinations.</p>
<p>Health Services – 413.748.3175 Services are available during regular office hours.</p>	<p>Safe Passage 413.586.5066 A confidential domestic violence and rape crisis hotline accessible 24 hours a day.</p>
<p><u>For Employees:</u> Employee Assistance Plan: 1.800.252.4555</p>	<p><u>For Resources at PCS Regional Campuses:</u> please contact Camille Elliott, Deputy Title IX Coordinator for Professional and Continuing Studies at 413.748.3978</p>

Sexual Assault Nurse Examiner (SANE) are available to conduct examinations at

Baystate Medical Center - 413.794.3233

Mercy Hospital - 413.748.9000

For Springfield College’s PCS Regional Campuses Resources click on link:

<http://springfield.edu/school-of-professional-and-continuing-studies/gender-based-misconduct-resources>

VI. Reporting

As noted in Section II, all College employees except Confidential Resources, including faculty, staff and administrators, are identified as “Responsible Employees” and have a responsibility for student and employee welfare. “Responsible Employees”, are required to share with the Title IX Coordinator any report of gender-based misconduct they receive or of which they become aware.

A list of student employees who are also considered “Responsible Employees” and have the responsibility to report information regarding gender-based misconduct of which they become aware at any time include:

- Resident Directors and Resident Assistants
- Graduate Fellows
- Graduate Assistants/Associates

All College community members, even those who are not obligated by this Policy, are strongly encouraged to report information regarding any incident of gender-based misconduct to the Title IX Coordinator or a Deputy Title IX Coordinator.

The College is committed to providing a variety of welcoming and accessible means so that all instances of gender-based misconduct will be reported. The College also recognizes that the decision whether or not to report gender-based misconduct is a personal decision and that there are many barriers to reporting, both individual and societal. Not every individual will be prepared to make a report to the College or to law enforcement, and individuals are not expected or required to pursue a specific course of action.

An incident does not have to occur on campus to be reported to the College. Off-campus conduct that adversely affects the College or the community also falls under this Policy.

An individual does not have to decide whether or not to request an investigation at the time the report is made. The College recognizes that choosing to make a report, and deciding how to proceed after making the report, can be a process that unfolds over time. The College will respect an individual’s autonomy in making these important decisions and provide support that will assist each individual in making that determination.

As outlined in the **Resources** section of this Policy, there are Confidential Resources on campus and in the community available to individuals not wishing to make a report to the College. Information shared with these Confidential Resources will not be reported to the College.

As outlined in the above section: **College’s Statement on Privacy and Confidentiality**, the College respects the privacy interests of students, faculty and staff. All information reported will be shared only with those College employees who will assist in the investigation and/or resolution of the complaint.

EMERGENCY/IMMEDIATE REPORTING OPTIONS

The College encourages all individuals to seek assistance from a medical provider and/or law enforcement immediately after an incident of gender-based misconduct. This is the best option to ensure preservation of evidence and to begin a timely investigative and remedial response. The College will assist any College community member to get to a safe place and will provide transportation to the hospital, coordination with law enforcement and information about the College’s resources and complaint processes.

Assistance is available from the College 24 hours a day year-round by calling the College’s Public Safety Department or local law enforcement. Any individual can request that a member of the College Public Safety Department respond and take a report. Individuals on the main campus can request to speak with a Sexual Assault Victim Advocate (“SAVA”) or a member of the Counseling Center without making a report to Public Safety. There is no requirement that an individual file a complaint with the College’s Public Safety Department in order to speak with a SAVA or a member of the Counseling Center.

Members of the School of Professional and Continuing Studies (PCS) regional campuses, review the following link: <http://springfield.edu/school-of-professional-and-continuing-studies/gender-based-misconduct-resources> to find resources on immediate reporting of a gender-based misconduct issue on your campus. For emergencies, please contact your local Police Department for immediate assistance.

A medical provider can provide emergency and/or follow-up medical services, and the ability to discuss any health care concerns related to the incident in a confidential medical setting may bring peace of mind. The medical exam has two goals: first, to diagnose and treat the full extent of any injury or physical effect (*e.g.* sexually transmitted infection or the possibility of becoming pregnant) and second, if qualified as a Sexual Assault Nurse Examiner, to properly collect and preserve evidence. There is a limited window of time (typically 72 to 96 hours) following an incident of sexual assault to preserve physical and other forms of evidence. Taking the steps to gather evidence immediately does not commit an individual to any course of action. The decision to seek medical attention and gather any evidence will remain confidential and preserve the full range of options to seek resolution through the College’s complaint processes or through the pursuit of criminal action. The College encourages victims to obtain medical attention promptly after an assault.

A. Reporting Resources

In addition to the Confidential Resources listed above, all College community members have access to a variety of resources provided by the College that can provide crisis intervention services, counseling, academic support and medical services. All of the employees listed below are Title IX professionals who are trained to assist faculty, staff and students with understanding their rights, resources and options. 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 and Deputy Title IX Coordinators

<i>Name</i>	<i>Title</i>	<i>Office Location</i>	<i>Contact Information</i>		
<i>Title IX Coordinator</i>					
<i>Terry Vecchio</i>	<i>Interim Director Graduate Educational Services</i>	<i>Marsh Memorial Hall Room 205</i>	<i>(413) 748-3248 tvecchio@springfieldcollege.edu</i>		
<i>Deputy Title IX Coordinators</i>					
<i>Sue Nowlan</i>	<i>Interim Dean of Students</i>	<i>Campus Union Suite 325</i>	<i>(413) 748-3795 snowlan@springfieldcollege.edu</i>		
<i>Kiki Jacobs</i>	<i>Associate Director of Athletics</i>	<i>Physical Education Complex</i>	<i>(413) 748-3334 kjacobs@springfieldcollege.edu</i>		

<i>Rosanne Captain</i>	<i>Assistant Vice President for Administration Finance</i>	<i>Administration Building 2nd Floor</i>	<i>(413) 748-3667 rcaptain@springfieldcollege.edu</i>	
<i>Camille Elliot</i>	<i>Associate Director of Student Services for the School of Professional and Continuing Studies</i>	<i>Blake Hall 3rd Floor</i>	<i>(413) 748-3978 celliott@springfieldcollege.edu</i>	

In the event of an emergency, please contact the Department of Public Safety at (413) 748-5555

Emergency numbers for Springfield College’s PCS Regional Campuses click on link:

<http://springfield.edu/school-of-professional-and-continuing-studies/gender-based-misconduct-resources>

CAMPUS REPORTING OPTIONS

The College recognizes that a student or employee may choose to report gender-based misconduct to any trusted employee of the College. For example, a student may choose to confide in a Resident Assistant, faculty member or a coach, all of whom are considered “Responsible Employees.” Under this Policy, Responsible Employees must report the incident to the Title IX Coordinator or a Deputy Title IX Coordinator. An employee may choose to confide in a supervisor, also considered a “Responsible Employee.” Under this Policy, any employee (who has not been designated as a Confidential Resource) who receives a report of gender-based misconduct must share the report with the Title IX Coordinator or a Deputy Title IX Coordinator. The Title IX Coordinator or a Deputy Title IX Coordinator are specifically charged with investigating and responding to allegations of gender-based misconduct.

To enable the College to respond to all reports in a prompt and equitable manner, the College encourages all individuals to directly report any incident of gender-based misconduct to the Title IX Coordinator or a Deputy Title IX Coordinator.

ANONYMOUS REPORTING

Any individual may make an anonymous report concerning an act of gender-based misconduct. An individual may report the incident without disclosing his/her name, identifying the Respondent or requesting any action. Depending on the level of information available about the incident or the individuals involved, however, the College's ability to respond to an anonymous report may be limited.

The College offers a public reporting form that can be found at the below link.

https://publicdocs.maxient.com/reportingform.php?SpringfieldCollege&layout_id=40. This document is routed to the Title IX Coordinator. While the report will identify the reporter, all information is deemed private until a decision to move forward with a complaint has been made. You may also fill it out a printed reporting form and send it anonymously to the Title IX Coordinator.

TIME FRAME FOR REPORTING

So long as the Respondent is a student or employee at the College there is no time limit to filing a complaint to engage the Title IX process. However individuals are encouraged to report gender-based misconduct immediately in order to maximize the College's ability to respond promptly and equitably. The College does not, however, limit the timeframe for reporting. Be mindful that the College will not be able to pursue disciplinary action against an individual who is no longer affiliated with the College. Under those circumstances, the College will still conduct a Title IX review and take appropriate steps depending on the level of control (if any) the College has over the alleged perpetrator.

COORDINATION WITH LAW ENFORCEMENT

Because the standards for determining a violation of criminal law are different from the standards for determining a violation of this Policy, criminal investigations, reports, or outcomes are not determinative of whether gender-based misconduct has occurred for purposes of this Policy. In other words, conduct may constitute gender-based misconduct under this Policy even if there is insufficient evidence of a crime or if law enforcement agencies decline to prosecute. The filing of a complaint of gender-based misconduct under this Policy is independent of any criminal investigation or proceeding, and the College will not await the conclusion of any criminal investigation or proceedings to: (i) commence its own investigation; (ii) take interim remedies to protect the complainant and the College community, if necessary; and/or (iii) implement disciplinary proceedings without regard to any pending criminal proceedings.

BYSTANDER INTERVENTION

The College encourages all community members to take reasonable and prudent actions to prevent or stop an act of gender-based misconduct. Taking action may include direct intervention, creating a distraction or seeking assistance from a person in authority or law enforcement.

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 of individuals reported an allegation of gender-based misconduct.

The College recognizes that retaliation can take many forms and may be committed by an individual or a group against an individual or a group and that a Respondent can also be the subject of retaliation by the Complainant or a third party. The College will take immediate and responsive action to any report of retaliation and will pursue disciplinary action as appropriate. An individual reporting gender-based misconduct is entitled to protection from any form of retaliation following a report that is made in good faith, even if the report is later not proven.

VII. Interim Remedies

Upon receipt of a report, the College will provide interim remedies to prevent further acts of misconduct and to provide a safe educational and work environment. The College will determine the necessity and scope of any interim remedies. Even when a person involved with the Title IX process does not specifically request that protective action be taken, the College may choose to impose interim remedies at its discretion to monitor the safety of any individual, the broader College community or the integrity of the review process.

Individuals seeking such assistance should speak with the Title IX Coordinator or a Deputy Title IX Coordinator, who will coordinate such requests on the behalf of the individual. The College will maintain contact with the parties to ensure that all safety and emotional and physical well-being concerns are being addressed.

All individuals are encouraged to report concerns about failure of another individual to abide by any restrictions imposed by interim remedies. The College will take immediate and responsive action to enforce remedies 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 remedies may include:

No-Contact Order: An individual may request, or the College may impose, communication and contact restrictions to prevent further potentially harmful interaction. These communication and contact restrictions generally preclude in-person, telephone, electronic or third-party communications. In some cases, an individual

may also wish to consider a restraining order, which can be obtained from the local courts. This is a civil proceeding independent of the College. 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, Employment or Residence Modifications: An individual involved with the Title IX process may request academic or employment modifications or a change in residence after a report of gender-based misconduct. An individual who requests assistance in changing their academic or living situation after an incident of gender-based misconduct will receive appropriate and reasonably available modifications. These may include:

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

Emotional Support: The College will provide counseling services through the Counseling Center or will assist in providing a referral to off-campus agencies as needed at regional campuses. For campus and community resources please see the Confidential Resource section of this Policy. Counseling and emotional support is available to any member of the campus community.

Interim Action: Where the report of gender-based misconduct poses an ongoing risk of harm to the safety or well-being of an individual or members of the campus community, the College may place an individual or organization on interim suspension or impose leave for an employee. Pending resolution of the complaint, the individual or organization may be denied access to campus. When interim suspension or leave is imposed, the College will make reasonable efforts to complete the investigation and resolution within an expedited time frame.

VIII. Title IX Review

1. ROLE OF THE TITLE IX COORDINATOR

The Title IX Coordinator oversees the College's review, investigation and resolution process for reports of gender-based misconduct and coordinates the College's compliance with Title IX. The Title IX Coordinator is

supported by several College administrators who serve as Deputy Title IX Coordinators. Each is knowledgeable and trained in state and federal laws that apply to matters of gender-based misconduct, as well as College policy and procedure.

The Title IX Coordinator and Deputy Title IX Coordinators can be contacted by telephone, or by email or in person.

The duties and responsibilities of the Title IX Coordinator and Deputy Title IX Coordinators 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 our community. Title IX Coordinator and Deputy Title IX Coordinators will:

- Oversee the investigation and resolution of all reports of gender-based misconduct
- Meet with any individual, whether a Complainant, a Respondent or a third party, to discuss interim remedies, resources and procedural options on and off campus
- Ensure prompt and equitable resolutions that comply with all requirements and timeframes specified in the complaint procedures
- Conduct ongoing and annual climate checks, tracking and monitoring of gender-based misconduct allegations on campus, and
- Coordinate all training, education and prevention efforts.

2. INITIAL ASSESSMENT

The College will address all reports of gender-based misconduct. The Title IX Coordinator will oversee the College's Title IX review process. If the individual makes a formal complaint the Title IX Coordinator or a Deputy Title IX Coordinator will make an initial assessment of any risk of harm to individuals or to the campus community and will take steps necessary to address those risks. These steps will include interim remedies to provide for the safety of the individual and the campus community.

The College's responsibility to review and respond to all allegations of misconduct exists regardless of whether that review culminates in an additional investigation or goes forward in the process.

3. INVESTIGATION

The Title IX Coordinator or a Deputy Title IX Coordinator may determine if an investigation of the report of gender-based misconduct should be conducted. This determination is based on a variety of factors, such as the Complainant's wish to pursue disciplinary action or the risk posed to any individual or the campus community by

not proceeding and the nature of the allegation. The Title IX Coordinator may designate an investigator of his or her choosing.

The investigator will coordinate the gathering of information from the Complainant, the Respondent and any other individuals who may have information relevant to the determination. The investigator will also gather any available physical or medical evidence, including documents, communications between the parties and other electronic records as appropriate. The investigator may also consider prior allegations of, or findings of responsibility for, gender-based misconduct by the Respondent. In gathering such information, the investigator will comply with applicable laws and College policies. The investigation will be thorough, impartial and fair, and all individuals will be treated with appropriate sensitivity and respect.

As described in the **College Statement on Privacy and Confidentiality** section, all College investigations will respect individual privacy concerns.

Information gathered during the investigation will be used to evaluate the responsibility of the Respondent, to provide for the safety of the individual and the College campus community and to impose remedies as necessary to address the effects of the alleged conduct. Any investigative report will serve as the foundation for all related resolution processes.

5. TIME FRAME FOR RESOLUTION

The investigation of all reports will generally be completed within 60 calendar days. Extenuating circumstances may arise that require the investigation process to extend beyond these time frames, including, for instance: the complexity and severity of a complaint; if there is a parallel criminal investigation; or if the investigation occurs during school breaks or between school years. In general, a Complainant and Respondent can expect to receive periodic updates as to the status of the review or investigation.

6. EFFECT OF CRIMINAL PROCEEDINGS

As stated above, the filing and processing of a complaint of gender-based misconduct is independent of any criminal investigation or proceeding. The College will not wait for the conclusion of any criminal investigation or proceedings to commence its own investigation and proceedings outlined herein. Neither law enforcement's determination whether or not to prosecute a Respondent nor the outcome of any criminal prosecution are determinative of whether gender-based misconduct under the College Policy occurred.

7. EFFECT OF PENDING COMPLAINT ON RESPONDENT

If the Respondent is a current student, and found responsible for a gender-based misconduct violation, a notation will be placed on the Respondent's transcript identifying the complaint. If the Respondent withdraws from the College while a gender-based misconduct complaint is pending, the Respondent's transcript will reflect a withdrawal and the pending gender-based misconduct complaint.

8. COMMUNICATIONS

All communications and notices required by these procedures may be made electronically, in hard copy or in person.

9. FALSE COMPLAINT/FALSE INFORMATION

The College will not tolerate false reporting and reserves the right to discipline members of the College community who knowingly bring false complaints of gender-based misconduct or provide false information during an investigation or hearing. No complaint will be considered "false" solely because it cannot be corroborated. If a respondent or complainant is determined to have provided false information during the investigation or sanctioning process, the respondent or complainant may be charged with "false information and misrepresentation" and/or the false information may be considered an aggravating circumstance during the sanctioning phase

IX. Initiating a Complaint

1. INDIVIDUAL

A person, who believes he or she has experienced an incident of gender-based misconduct, as defined in this Policy, may file a complaint against the person responsible for that conduct. "Person" may include any member of the College, including students, faculty, administrators and staff members, or non-member.

2. ADMINISTRATIVE

In exceptional cases, such as cases threatening community safety, the College may initiate a complaint through the Dean of Students/Deputy Title IX Coordinator against a student, employee or non-member of the College. As set forth in this Policy, reports of gender-based misconduct will initiate a Title IX review to determine the appropriate response.

3. FILING REQUIREMENTS

The person bringing the allegation is called the Complainant. The Complainant will be asked to submit a statement to one of the following; the Title IX Coordinator, or a Deputy Title IX Coordinator. The statement should contain sufficient information to permit the Respondent to understand the charges being brought and to be able to adequately respond. The statement may not reflect every detail related to the allegations in the complaint as additional information may be discovered during the investigation.

A. Withdrawal of Complaint

Prior to the completion of the investigation, the Complainant may withdraw the gender-based misconduct complaint. Withdrawal of the complaint will, in most circumstances, end the Title IX process. The College reserves the right to move forward with the complaint, even after the Complainant withdraws it, in order to protect the interests and safety of the College community.

B. Acceptance of Responsibility

After reviewing the Complaint and meeting with the Title IX Coordinator or Deputy Title IX Coordinator, the Respondent may choose to end the Title IX process by accepting responsibility for the conduct alleged in the Complaint. If the Respondent accepts responsibility for the conduct alleged in the Complaint, the process may, but will not necessarily, proceed to the investigation phase. The Title IX Coordinator or Deputy Title IX Coordinator will determine an appropriate sanction for the Respondent. If the Respondent disputes the allegations of the Complaint, the matter will proceed to an investigation.

At any point in the process, the Respondent may accept responsibility for the conduct alleged in the complaint. In such cases, the process will immediately move to the Title IX Coordinator or Deputy Title IX Coordinator for a decision regarding sanctioning.

The following Sections detail procedures addressing complaints against students, employees and non-members.

When a complaint is filed against a community member who embodies more than one status at the College (i.e., the community member is a student and an employee), the Title IX Coordinator has the authority to determine the investigation process (student or employee) for the reported incident. The selected process shall have the authority to make final determinations affecting all of a Respondent's statuses at the College.

X. Procedures for Addressing Complaints Against Students

The Dean of Students/Deputy Title IX Coordinator, in coordination with the College's Title IX Coordinator, is responsible for the oversight of investigations of gender-based misconduct complaints where the Respondent is a student or student group.

PRELIMINARY INVESTIGATION

When made aware of a potential violation of the College's gender-based misconduct policy, the Deputy Title IX Coordinator or his/her designee, will open and conduct a preliminary investigation. The preliminary investigation will be conducted as soon as possible and within ten (10) business days from the time of initial report. This time period may be shorter or longer depending on the circumstances, including the availability of witnesses and preliminary evidence.

The preliminary investigation will consist of the Deputy Title IX Coordinator or his/her designee working to determine the identity and contact information of the complainant, identifying what, if any, portion(s) of the Policy were allegedly violated, meeting the complainant, if feasible, to inquire about and finalize the complaint, and determining if there is cause to proceed with a formal investigation.

If the Deputy Title IX Coordinator determines that there is no reasonable cause to pursue a complaint (ex. If the information received does not present any potential violation of the sexual misconduct policy, or if it is so vague or incomplete that no further investigation is possible), the matter will be closed with no further action and that decision will be communicated to the reporting party as appropriate.

FORMAL INVESTIGATION

If the Deputy Title IX Coordinator determines that there is reasonable cause to pursue the complaint, a formal investigation will be initiated. The formal investigation under this Policy will be conducted as promptly and equitably as possible without compromising thoroughness. Absent extenuating circumstances, the College's investigation and resolution process for gender-misconduct misconduct complaints will be completed within sixty (60) calendar days from the time of reporting (not including the appeal process). This time period may be shorter or longer depending on the circumstances including, but not limited to, the complexity of the case and the availability and number of witnesses. Should this process last longer than 60 calendar days, the Deputy Title IX Coordinator will communicate the reasons and expected timelines for completion to all parties.

At the initiation of the formal investigation, the Deputy Title IX Coordinator or his/her designee will: 1) notify the respondent and complainant of the investigation and provide an explanation of the investigation process; 2) provide the respondent and complainant with a written notice of the charges, identifying the specific portion(s)

of the Policy alleged to have been violated; and 3) appoint a trained team of investigators (two person team) to lead the investigation. Concerns relating to any potential bias or conflict of interest of the appointed investigator(s) should be promptly addressed to the Deputy Title IX Coordinator who shall have sole discretion to remove or reappoint investigator(s) as necessary.

At reasonable intervals throughout the investigation, the Deputy Title IX Coordinator will maintain communication with the complainant and the respondent regarding the status of the investigation and overall process.

The appointed investigators will: 1) commence a thorough and impartial investigation by developing an investigation plan, including a witness list, intended investigation timeframe, and order of interviews for all witnesses and the respondent; 2) provide regular updates on the investigation to the Deputy Title IX Coordinator; and, 3) determine whether or not one or more specific portions of the Policy were violated based on the preponderance of evidence. Under this standard, the respondent is presumed not to have violated the Policy unless a preponderance of the evidence supports a finding that a violation occurred. A preponderance of the evidence indicates that it is more likely than not that the identified portion of the Policy was violated by the respondent.

Investigations shall proceed generally as follows:

1. The investigators will conduct interviews with the complainant, respondent and any witnesses deemed appropriate by the investigators
2. All parties will be asked to provide names of relevant witnesses. The investigators will, in their sole discretion, determine which witnesses to interview. Witnesses are typically limited to people with first-hand knowledge of the events being reviewed. Character witnesses and/or statements are not permitted.
3. All interviewed parties will be asked to submit relevant documentary evidence (ex. photographs, video recordings, text messages, reports, phone records, etc) to the investigators. The investigators will gather and review available documents, materials, or other identified evidence relevant to the investigation. The investigators, in consultation with the Deputy Title IX Coordinator, will use their discretion about what evidence and information will be included in the case file. Redactions may be made as deemed necessary at the sole discretion of the investigators.

4. After each interview, the investigators will provide the interviewed party with a written interview summary. The interviewed party will be afforded a reasonable opportunity to review the summary to confirm its accuracy or to provide written clarifications, comments, and/or corrections. The investigators shall review any written clarifications or comments that are submitted and incorporate those deemed relevant and appropriate into the interview summary. Comments that conflict significantly with information previously submitted by the interviewed party will be noted.
5. During the investigation, the investigators will afford the complainant and respondent an opportunity to respond to information provided by other parties, including witnesses. This information will typically be shared verbally during the interview. Either party may also request an opportunity to review the written summaries and/or documentary information. Such request will be granted if and when deemed appropriate at the sole discretion of the investigators.
6. At the conclusion of the investigation but before any determinations are made by the investigators, the investigators will schedule separate meetings with the complainant and respondent to review the information included in the case file (including all written interview summaries and documentary evidence deemed relevant by the investigators). The complainant and respondent will have the opportunity to provide corrections, clarifications, comments, new relevant information or documentation, and/or suggest new witnesses who possess material information.
 - a. The complainant and respondent will be given two (2) business days after their meeting to provide any additional documentation or written clarifications or comments. The investigators shall review any written clarifications or comments that are submitted and incorporate those deemed relevant and appropriate to the case file. Comments that conflict significantly with information previously submitted by the interviewed party will be noted.
7. If the complainant and/or respondent identify additional relevant evidence, that evidence shall be gathered by the investigators to the extent reasonably possible and will also be included in the case file. Depending on the nature of the new evidence, it may be shared with the complainant and/or the respondent for comment.
8. The investigators will complete the case file to include all relevant information gathered during the investigation
9. The investigators will review the case file and author recommendations as to whether or not the respondent violated the Policy based on the preponderance of evidence standard

10. The investigators will send the case file and written recommendations to the Deputy Title IX Coordinator for review
11. The Deputy Title IX Coordinator will review the case file and written recommendations to ensure the following:
 - a. The investigation was thorough, reliable, and impartial
 - b. The recommendations were based on the evidence collected
 - c. The recommendations were based on the preponderance of evidence standard
12. If the Deputy Title IX Coordinator determines that any further steps are necessary to meet any of these requirements, the Deputy Title IX Coordinator will so inform the investigators. The investigators will take the necessary steps and return the case file to the Deputy Title IX Coordinator for second review.
13. Upon approval of the case file, as the decision-maker in this process, the Deputy Title IX Coordinator will meet separately with the complainant and the respondent to deliver the outcome. These meetings will be arranged as contemporaneously as possible. At the outcome meetings, the Deputy Title IX Coordinator will: 1) make the case file available to both parties for their review (necessary redactions may be made at the sole discretion of the Deputy Title IX Coordinator), and 2) explain the next steps in the process (appeal process and sanction process, if the outcome is responsible). In addition to sharing the outcomes with the parties, the Deputy Title IX Coordinator will also work directly with the Title IX Coordinator to determine whether additional remedies are necessary for the complainant and/or community, if any, to address the incident

CONFLICT RESOLUTION OPTIONS

The Deputy Title IX Coordinator may offer conflict resolution options when appropriate based on the facts and circumstances and regardless of the outcome of the preliminary or formal investigation. Such conflict resolution may include mediation, restorative justice or other options and will only be used when both parties consent to the option. Either party may, at any time, end the conflict resolution process and proceed with a formal process. Mediation will not be used in cases involving sexual violence.

SANCTIONING PROCESS

The complainant and the respondent shall each have two (2) business days from the date of their outcome meeting to submit a written impact statement to the Deputy Title IX Coordinator. The written impact statement

is intended to inform the Deputy Title IX Coordinator of relevant information in determining the appropriate sanction(s), including aggravating facts and circumstances that warrant leniency or enhanced sanctions.

Both the complainant and the respondent have the option to meet with the Deputy Title IX Coordinator to discuss potential sanctions either instead of or in addition to submitting a written impact statement. Such a meeting is not an opportunity to challenge or contest the outcome of the investigation.

The Deputy Title IX Coordinator will confer with the Title IX Coordinator regarding potential sanctions. The Deputy Title IX Coordinator also reserves the right to meet with other relevant parties including but not limited to the investigators or witnesses, if the Deputy Title IX Coordinator believes doing so will assist in determining appropriate sanctions.

Before determining sanctions, the Deputy Title IX Coordinator will review the case file and investigators' conclusions, the respondent's prior disciplinary record, if one exists, and any impact statements submitted by either party.

The Deputy Title IX Coordinator has five (5) business days from the last meeting with a relevant party to issue a written decision letter, detailing outcomes of the process including sanctions if the respondent is found responsible for one or more of the charges, to both parties. Decision letters will be sent via email using the Maxient system.

All sanctions are enacted immediately, unless otherwise stated, regardless of status of an appeal.

The College will require not either party to abide by a nondisclosure agreement, in writing or otherwise, that would prevent the re-disclosure of information related to the outcome of the proceedings.

SANCTION GUIDELINES

Any student found responsible for violating the Policy provisions on non-consensual sexual touching (where no penetration has occurred), sexual exploitation, sexual harassment, intimate partner violence or stalking will receive a sanction up to and including expulsion, depending on the severity of the incident and taking into account any prior disciplinary history. Recommended sanctions for violation of the Policy include but are not limited to: disciplinary probation, loss of privileges, relocation of residence, restriction from facilities or activities, temporary or permanent residence hall suspension, mandated assessment and/or counseling, educational project, withholding of degree, suspension and/or expulsion. The standard sanction for non-consensual sexual penetration is suspension or expulsion. The Deputy Title IX Coordinator, as the decision maker, reserves the right to broaden or lessen any range of recommended sanctions in the case of serious

mitigating or aggravating circumstances. Neither the initial decision maker nor the appeal officer will deviate from the range of recommended sanctions unless compelling justification exists to do so.

APPEAL PROCESS

Both the respondent and the complainant have the opportunity to submit an appeal based on the outcome of the investigation and/or the sanction as set forth below.

Guiding principles of the appeal process:

- Appeals are confined to a review of the case file based on one more pertinent grounds for appeal described below. Appeals are not intended to re-hear the allegations or constitute a de novo review of the investigation.
- Absent clear and material error, appeal determinations are intended to be deferential to the original decision-maker. Findings should be revised by an appeal officer only when remanding for further investigation or granting a new investigation would be insufficient, impractical or unnecessary. Sanctions should be revised by the appeal officer only if there is a compelling justification to do so.
- An appeal must be submitted within three (3) business days after the decision letter is delivered to the student's Springfield College email account. An appeal may be made solely on the grounds of:
 - 1) Error in the charge and/or investigation or sanctioning process that materially affected the outcome
 - 2) New information that could not have been discovered prior to the investigation or sanctions meeting through the exercise of reasonable diligence and that would have materially affected the outcome. A summary of this new evidence and its potential impact must be included in the written appeal; or
 - 3) The sanctions imposed fall outside of the range of sanction guidelines and/or are grossly disproportionate to the violations committed.

The Vice President for Student Affairs or his/her designee shall act as the appeal officer. The appeal must be made in writing to the appeal officer and must clearly and succinctly outline and explain how the specific grounds above have been met. The party submitting the appeal has the burden of demonstrating how the above grounds have been met.

When one party submits an appeal, a copy of the appeal will be provided to the other party by the appeal officer. The other party will have an opportunity to submit a written statement to the appeal officer within three

(3) business days to be considered with the original appeal. The written statement shall be limited to a response to the content of the original appeal.

After reviewing the written appeal(s), written statements and associated case file, the appeal officer will take one of the following actions:

- 1) Reject the appeal as untimely or improper based on the grounds articulated above
- 2) Uphold the original decision and/or sanction(s)
- 3) Grant the appeal and:
 - a. Return the case with specific instructions to the Deputy Title IX Coordinator for further consideration
 - b. Modify the sanctions by reducing or enhancing the sanction(s). A rationale will be provided by the appeal officer if a sanction is modified.

NOTICE OF RIGHTS

The Complainant and the Respondent will receive simultaneous written notification of the appeal officer's decision regarding the appeal via their Springfield College email accounts. Except where the case is returned to the Deputy Title IX Coordinator for further consideration, the decision of the appeal officer is final and not subject to further review.

Rights of the Complainant

- The Complainant has a number of rights under this Policy and with respect to a resolution of a complaint. If the College initiates an investigation, the Complainant will retain the rights below. They include both those outlined above and the following:
- The right to an investigation and appropriate resolution of all credible complaints of gender-based misconduct made in good faith to the College;
- The right to be treated with respect by College employees throughout the process;
- The right to have one (1) adviser of their choice support them in this process in accordance with the Policy (see Other Provisions);
- The right to be notified of available counseling, mental and physical health services, on and off-campus;

- The right to be informed of and to report the incident to off-campus authorities and/or law enforcement and to be assisted by College employees in doing so;
- The right to be provided with a written explanation of rights and options with respect to the matter;
- The right to have the investigation and resolution process fully explained;
- The right receive written notice of all allegations for which the respondent is charged;
- The right to be notified of possible sanctions that may result if the Respondent is found responsible of violating the policy(ies) in question;
- The right to an outcome based on information the decision-maker finds credible, relevant and convincing by a preponderance of the evidence (i.e., it is more likely than not that a policy violation occurred);
- The right to appeal the outcome of the investigation and/or sanction, in accordance with the appeal guidelines established in this Policy;
- The right to privacy, and the assurance that information regarding the complaint will be shared only with those necessary and in accordance with applicable law.

Rights of the Respondent

- The Respondent has a number of rights under this policy and with respect to a resolution of a complaint. They include both those outlined above and the following:
- The right to an investigation and appropriate resolution of all credible complaints of gender-based misconduct made in good faith to the College;
- The right to be treated with respect by College employees throughout the process;
- The right to have one (1) adviser of their choice support them in this process in accordance with the Policy;
- The right to be notified of available counseling, mental and physical health services, on and off-campus;
- The right to be provided with a written explanation of rights and options with respect to the matter;
- The right to have the investigation and resolution process fully explained;

- The right to receive written notice of all charges;
- The right to be notified of possible sanctions that may result if found responsible for violating the policy(ies) in question;
- The right to an outcome based on information the decision-maker finds credible, relevant and convincing by a preponderance of the evidence (i.e., it is more likely than not that a policy violation occurred);
- The right to appeal the outcome of the investigation and/or sanction , in accordance with the appeal guidelines established in this Policy;
- The right to privacy, and the assurance that information regarding the complaint will be shared only with those necessary and in accordance with applicable law.

OTHER PROVISIONS

ADVISERS

Advisers serve as a support person for the parties during the process, including investigative meetings, meetings with the Deputy Title IX Coordinator and sanction meetings. The adviser's name and relationship to a party (e.g., student, faculty member, family member, attorney, etc.) must be disclosed to the Deputy Title IX Coordinator prior to the meeting for which they will serve as the adviser. Students who are witnesses to the incident or are otherwise involved in the matter may not typically serve as advisers. Advisers are not permitted to advocate for a student or speak on their behalf during any of the aforementioned meetings. The adviser's role shall be to quietly and unobtrusively advise his/her advisee in whispers or by written note. The College reserves the right to remove an adviser from any meeting should these expectations and guidelines be violated. Meetings are not generally delayed or rescheduled due to an adviser's schedule or availability. The Deputy Title IX Coordinator will consider requests made to delay or reschedule a meeting and will make the final determination at his/her sole discretion. The College reserves the right to have its legal counsel present during any meeting.

AMNESTY FOR MINOR VIOLATIONS

The College will extend amnesty for minor violations of policy, including but not limited to the possession and/or consumption of drugs or alcohol, when the violation is related to a report of gender-based misconduct. The seriousness of gender-based misconduct is a major concern for the College and the College does not want any circumstances (e.g., drug or alcohol use) to inhibit the reporting of gender-based misconduct or cooperation

with an investigation. When amnesty is granted for minor violations of policy, the College may refer students to resources such as alcohol and/or drug education, but there will be no disciplinary record or sanction regarding the violation for which amnesty was granted. The Deputy Title IX Coordinator will determine what policy violations will be considered “minor” and therefore eligible for amnesty in this context. Amnesty for minor policy violations may be extended to all parties involved in the case, including but not limited to, the complainant, the respondent and witnesses.

ATTENDANCE EXPECTATIONS

To enable the most accurate and fair review of the facts, the respondent is expected to attend and participate in meetings during the course of an investigation under this Policy. If an individual chooses not to attend one or more meetings, the charges will be reviewed on the basis of the information and evidence available, and a decision will be made. Although no inference may be drawn against a student for failing to attend a meeting or remaining silent, the process will proceed and the conclusion will be based on the evidence presented. No decision shall be based solely on the failure of the respondent to attend one or more meetings, to participate in such meeting(s), or to answer the charges.

EFFECT OF CRIMINAL PROCEEDINGS

Because the standards for determining a violation of criminal law are different from the standards for determining a violation of this Policy, criminal investigations, reports, or outcomes are not determinative of whether gender-based misconduct has occurred for purposes of this Policy. In other words, conduct may constitute gender-based misconduct under this Policy even if there is insufficient evidence of a crime or if law enforcement agencies decline to prosecute. The filing of a complaint of gender-based misconduct under this Policy is independent of any criminal investigation or proceeding, and the College will not await the conclusion of any criminal investigation or proceedings to: (i) commence its own investigation; (ii) take interim measures to protect the complainant and the College community, if necessary; and/or (iii) implement disciplinary proceedings without regard to any pending criminal proceedings.

FALSE COMPLAINT/FALSE INFORMATION

The College will not tolerate false reporting and reserves the right to discipline members of the College community who knowingly bring false complaints of gender-based misconduct or provide false information during an investigation or hearing. No complaint will be considered "false" solely because it cannot be corroborated. If a complainant and/or a respondent is determined to have provided false information during the investigation or sanctioning process, the complainant and/or the respondent may be charged with “false

information and misrepresentation” and/or the false information may be considered an aggravating circumstance during the sanctioning phase and/or may be utilized to pursue other discipline.

HISTORY OF THE PRINCIPLE PARTIES

Sexual History

Neither the past sexual history nor sexual character of either party will be considered in the investigation or any other proceeding unless such information is determined by the Deputy Title IX Coordinator to be specifically and directly relevant to a pending charge.

Disciplinary History/History of Previous Complaints:

Previous disciplinary history or previously filed complaints may be considered in the course of the investigation only if: 1. the facts related to the previous disciplinary history or complaints are substantially similar to the facts related to the present charge(s); 2. the information indicates a pattern of behavior and substantial conformity with that pattern by the respondent; or 3. there are other reasons deemed by the Deputy Title IX Coordinator to be specifically and directly relevant to the present charge(s). If any previous disciplinary history or complaints are considered in the course of the investigation, the relevant party will be notified of such and will be permitted to review the information that is to be considered.

XI. Procedures for Addressing Complaints Against Employees

Reports concerning faculty and staff respondents will be preliminarily assessed by the Title IX Coordinator, in consultation with Human Resources, to determine whether a formal investigation is warranted. Formal rules of process and evidence such as those applied in criminal or civil courts are not applicable in the preliminary or formal investigations or in the resolution process described below.

FORMAL INVESTIGATION

If the Title IX Coordinator determines that there is reasonable cause to pursue the complaint, a formal investigation will be initiated. The formal investigation under this policy will be conducted as promptly and equitably as possible without compromising thoroughness. Absent extenuating circumstances, the College’s investigation process for sexual misconduct complaints will be completed within sixty (60) calendar days from the time of reporting (not including the appeal process). This time period may be shorter or longer depending on the circumstances including, but not limited to, the complexity of the case and the availability and number of witnesses. Should this process last longer than 60 calendar days, the Title IX Coordinator will communicate the reasons and expected timelines for completion to all parties.

At the initiation of the formal investigation, the Title IX Coordinator will:

1. Notify the Respondent and Complainant of the investigation and provide an explanation of the investigation process;
2. Provide the Respondent and Complainant with a written notice of the charges, identifying the specific portion(s) of the gender-based misconduct policy alleged to have been violated; and
3. Either appoint him/herself as the designated investigator or appoint an investigator(s) who may be either an internal and/or external investigator, to conduct the investigation. Concerns relating to any potential bias or conflict of interest of the appointed investigator(s) should be promptly addressed to the Title IX Coordinator who shall have sole discretion to remove or reappoint investigator(s) as necessary.

At reasonable intervals throughout the investigation, the Title IX Coordinator will maintain communication with the Complainant and the Respondent regarding the status of the investigation and overall process.

The appointed investigator will:

- 1) Commence a thorough and impartial investigation by developing an investigation plan, including a witness list, intended investigation timeframe, and order of interviews for all witnesses and the respondent;
- 2) Provide regular updates on the investigation to the Title IX Coordinator and determine whether or not one or more specific portions of the Policy were violated based on the preponderance of evidence. Under this standard, the respondent is presumed not to have violated this Policy unless a preponderance of the evidence supports a finding that a violation occurred. A preponderance of the evidence indicates that it is *more* likely than not that the identified portion of the policy was violated by the respondent.

At the conclusion of the investigation, the investigator will provide the Title IX Coordinator with his/her written conclusions as to whether or not the respondent violated the gender-based misconduct policy based on a preponderance of evidence standard and citing the evidence on which the decision was based. The Title IX Coordinator will review investigator's factual finds and proposed conclusion, to ensure the following:

- a. The investigation was thorough, reliable, and impartial
- b. The conclusions were based on the evidence collected

- c. The conclusions were based on the preponderance of evidence standard

If the Title IX Coordinator determines that any further steps are necessary to meet any of these requirements, the Title IX Coordinator will inform the investigators. The investigators will take the necessary steps and update their investigative report accordingly.

When the Title IX Coordinator receives an investigative report that the Coordinator determines is final, the Title IX Coordinator will separately inform both the Complainant and the Respondent of the outcome of the investigation and the next steps in the process. Those next steps are the appeal process and discipline process if there was a finding of responsibility.

In addition to sharing the outcome with the parties, the Title IX Coordinator will also determine whether additional remedies are necessary for the complainant and/or community, if any, to address the incident.

The Title IX Coordinator may offer the parties conflict resolution options when appropriate based on the facts and circumstances and regardless of the outcome of the preliminary or formal investigation. Such conflict resolution may include mediation, restorative justice or other options and will only be used when both parties consent to the option. Mediation will not be used in cases involving sexual violence.

Disciplinary Process

When an employee has been found responsible for violating this Policy, the following discipline process will be followed:

- a. The Complainant and the Respondent shall each have two (2) business days from the date of their outcome meeting to submit a written impact statement to the Title IX Coordinator. The written impact statement is intended to inform the Title IX Coordinator of relevant information in determining the appropriate sanction(s), including aggravating facts and circumstances that warrant leniency or enhanced sanctions.
- b. Both the Complainant and the Respondent have the option to meet with the Title IX Coordinator to discuss potential sanctions either instead of or in addition to submitting a written impact statement. Such a meeting is not an opportunity to challenge or contest the outcome of the investigation.
- c. The Title IX Coordinator reserves the right to meet with other relevant parties, including but not limited to the investigators or witnesses as well as the responding employee's divisional vice president if he/she believes doing so will assist in determining the appropriate disciplinary measures.

- d. Before determining sanctions, the Title IX Coordinator will review the case file and investigators' conclusions, the Respondent's prior disciplinary record, if one exists, and any impact statements submitted by either party.
- e. When a decision about disciplinary measures has been made by the College, the Title IX Coordinator will send both parties a written decision letter, informing the respondent of all measures imposed and informing the complainant of any disciplinary measures that directly impact him or her (i.e., whether the respondent will be restricted from the community). The decision letter will be sent via email.

All sanctions are enacted immediately, unless otherwise stated, regardless of status of an appeal. A finding by the College that any employee has violated this Policy is considered just cause for College to take disciplinary action under any employment contract, agreement, or other policy of the College. The College reserves sole discretion and right to determine appropriate disciplinary measures for employees who are found to have engaged in gender-based misconduct. Employees who are found to have engaged in gender-based misconduct may face discipline up to and including termination of employment, or otherwise in accordance with the applicable College policy. If the College determines that there is insufficient evidence to find a Respondent employee engaged in gender-based misconduct, the College still retains any and all rights it otherwise has to take employment action against the individual under other applicable policies.

APPEAL PROCESS

Both the respondent and the complainant have the opportunity to submit an appeal based on the outcome of the investigation and/or the disciplinary measures that have been set forth below.

Guiding principles of the appeal process:

- Appeals are confined to a review of the case file based on one more pertinent grounds for appeal described below. Appeals are not intended to re-hear the allegations or constitute a de novo review of the investigation.
- Absent clear and material error, appeal determinations are intended to be deferential to the original decision-maker. Findings should be revised by an appeal officer only when returned for further investigation or granting a new investigation would be insufficient, impractical or unnecessary. Sanctions should be revised by the appeal officer only if there is a compelling justification to do so.
- An appeal must be submitted within three (3) business days after the decision letter is delivered to the employee's Springfield College email account. An appeal may be made solely on the grounds of:
 1. Error in the charge and/or investigation that materially affected the outcome

2. New information that could not have been discovered prior to the investigation or disciplinary meeting through the exercise of reasonable diligence and that would have material affected the outcome. A summary of this new evidence and its potential impact must be included in the written appeal; or
3. The disciplinary measures imposed fall outside of the range of sanction guidelines and are grossly disproportionate to the violations committed.

When a staff member is found responsible for engaging in gender-based misconduct, the Director of Human Resources or his/her designee shall act as the appeal officer. When a faculty member is found responsible for engaging in gender-based misconduct, the Provost or his/her designee shall act as the appeal officer. Appeals must be made in writing to the appeal officer and must clearly and succinctly explain how the specific grounds described above have been met. The party submitting the appeal has the burden of demonstrating how the above grounds have been met.

When one party submits an appeal, a copy of the appeal will be provided to the other party by the appeal officer. The other party will have the opportunity to submit a written statement to the appeal officer within three (3) business days, to be considered with the original appeal. The written statement shall be limited to a response to the content of the original appeal.

After reviewing the written appeal(s), written statement(s), and associated case file, the appeal officer will take one of the following actions:

1. Reject the appeal as untimely or improper based on the grounds articulated above.
2. Uphold the original decision and/or disciplinary action.
3. Grant the appeal and:
 - a. Return the case with specific instructions to the Title IX Coordinator for further consideration or, in the rare circumstances in which it would be impractical, improper, or infeasible to return the case, grant a new investigation.
 - i. If remanded for further investigation, any resulting disciplinary action may be appealed.
 - ii. If the appeal officer remands to the Title IX Coordinator for review of the discipline, the reconsideration of the Title IX Coordinator is final.

- b. Modify the disciplinary action(s) by reducing or enhancing the discipline. A rationale will be provided by the appeal officer when a disciplinary action is modified.
- c. In rare circumstances, revise the outcome of the investigation from a “not responsible” to a “responsible” finding, or from a “responsible” to a “not responsible” finding.
 - i. If the outcome of the investigation is revised from a “not responsible” to a “responsible” finding, the appeal officer will either determine the final discipline or return the case to the Title IX Coordinator to determine the appropriate disciplinary action. If remanded to the Title IX Coordinator, the resulting discipline may be appealed.

The complainant and respondent will receive simultaneous written notification of the appeal officer’s decision regarding the appeal(s) via their Springfield College email account. Except where the case is returned to the Title IX Coordinator of further consideration, the decision of the appeal officer is final and not subject to further review.

NOTICE OF RIGHTS

Employees involved in a gender-based misconduct complaint with the College have a number of rights, including the following:

Rights of the Complainant

The Complainant has a number of rights under this Policy and with respect to a resolution of a complaint. If the College initiates an investigation, the Complainant will retain the rights below. They include both those outlined above and the following:

- The right to an investigation and appropriate resolution of all credible complaints of gender-based misconduct made in good faith to the College;
- The right to be treated with respect by College employees throughout the process;
- The right to have one (1) adviser of their choice to support them in this process in accordance with the Policy (see Other Provisions);
- The right to be notified of available counseling, mental and physical health services, on and off-campus;
- The right to be informed of and to report the incident to off-campus authorities and/or law enforcement and to be assisted by College employees in doing so;
- The right to be provided with a written explanation of rights and options with respect to the matter;

- The right to have the investigation and resolution process fully explained;
- The right to receive written notice of all allegations for which the respondent is charged;
- The right to be notified of possible sanctions that may result if the respondent is found responsible of violating the policy(ies) in question;
- The right to an outcome based on information the decision-maker finds credible, relevant and convincing by a preponderance of the evidence (i.e., it is more likely than not that a policy violation occurred);
- The right to appeal the outcome of the investigation and/or sanction, in accordance with the appeal guidelines established in this Policy;
- The right to privacy, and the assurance that information regarding the complaint will be shared only with those necessary and in accordance with applicable law.

Rights of the Respondent

The Respondent has a number of rights under this policy and with respect to a resolution of a complaint. They include both those outlined above and the following:

- The right to an investigation and appropriate resolution of all credible complaints of gender-based discrimination and/or harassment made in good faith to the College;
- The right to be treated with respect by College employees throughout the process;
- The right to have one (1) adviser of their choice to support them in this process in accordance with the Policy (see Other Provisions);
- The right to be notified of available counseling, mental and physical health services, on and off-campus;
- The right to be provided with a written explanation of rights and options with respect to the matter;
- The right to have the investigation and resolution process fully explained;
- The right to receive written notice of all charges;
- The right to be notified of possible sanctions that may result if found responsible for violating the policy(ies) in question;
- The right to an outcome based on information the decision-maker finds credible, relevant and convincing by a preponderance of the evidence (i.e., it is more likely than not that a policy violation occurred);
- The right to appeal the outcome of the investigation and/or sanction , in accordance with the appeal guidelines established in this Policy;

- The right to privacy, and the assurance that information regarding the complaint will be shared only with those necessary and in accordance with applicable law.

OTHER PROVISIONS

Advisers

Both the Respondent and the Complainant have the right to one (1) adviser of their choice. Advisers serve as a support person for the parties during the process, including investigative meetings, meetings with the Title IX Coordinator or sanction meetings. The adviser's name and relationship to a party (e.g., student, faculty member, family member, attorney, etc.) must be disclosed to the Title IX Coordinator prior to the meeting for which they will serve as the adviser. Individuals who are witnesses to the incident or are otherwise involved in the matter may not typically serve as advisers. Advisers are not permitted to speak or answer questions during any of the aforementioned meetings. The adviser's role shall be to quietly and unobtrusively advise his/her advisee in whispers or by written note. The College reserves the right to remove an adviser from any meeting should these expectations and guidelines be violated. Meetings are not generally delayed or rescheduled due to an adviser's schedule or availability. The Title IX Coordinator will consider requests made to delay or reschedule a meeting and will make the final determination at his/her sole discretion. The College reserves the right to have legal counsel present during any meeting.

Attendance

To enable the most accurate and fair review of the facts, the Respondent is expected to attend and participate in meetings during the course of an investigation under this Policy. If an individual chooses not to attend one or more meetings, the charges will be reviewed on the basis of the information and evidence available, and a decision will be made. Although no inference may be drawn against a student for failing to attend a meeting or remaining silent, the process will proceed and the conclusion will be based on the evidence presented. No decision shall be based solely on the failure of the respondent to attend one or more meetings, to participate in such meeting(s), or to answer the charges.

HISTORY OF THE PRINCIPLE PARTIES

Sexual History

Neither the past sexual history nor sexual character of either party will be considered in the investigation or any other proceeding unless such information is determined by the Title IX Coordinator to be specifically and directly relevant to a pending charge.

Disciplinary History/History of Previous Complaints:

Previous disciplinary history or previously filed complaints may be considered in the course of the investigation only if: 1) The facts related to the previous disciplinary history or complaints are substantially similar to the facts related to the present charge(s); 2) The information indicates a pattern of behavior and substantial conformity with that pattern by the respondent; or 3) There are other reasons deemed by the Title IX Coordinator to be specifically and directly relevant to the present charge(s). If any previous disciplinary history or complaints are considered in the course of the investigation, the relevant party will be notified of such and will be permitted to review the information that is to be considered.

Records Maintained

The documents, information and other evidence obtained through the investigative process will serve as the record of the case and will be maintained by the Title IX Coordinator as part of the Respondent's conduct record.

If the Respondent has been found responsible for violating this Policy, such records shall be used in reviewing any further conduct issues or developing sanctions, and shall remain a part of a Respondent's conduct record.

XII. Procedures for Addressing Complaints Against a Non-Member Of the Springfield College Community**Response and support**

When the Respondent is non-member of the College community, the Complainant will be provided with all available support services both on and off campus, as well as offered interim remedies that will assist them in feeling safe on campus. The Complainant will be encouraged to make a complaint to the local law enforcement agency.

Hate Crime Policy: Springfield College does not tolerate hate crimes of any form. This includes use of racial, ethnic, religious, sexual or anti-gay slurs and/or symbols of hate, such as a swastika. This also includes: physical attacks, intimidation, threatening action or language, and damage to personal property; because of a student's race, color, religion, national origin, ethnic background, gender, gender identity or expression, sexual orientation, or disability.

Hazing Policy and State Law:

Policy Rationale

Springfield College is first and foremost an educational institution. Its hazing prevention policies, and response procedures for hazing incidents, must grow from, and embody the institution's mission. Education about hazing will be available through the Athletic Department and the Office of Student Activities & Campus Union.

Membership in clubs, organizations, and other College-affiliated groups can increase leadership and service potential; provide athletic, recreational, intellectual, and spiritual opportunities; and otherwise contribute positively to personal and social development of our students. Where membership is linked with involvement in hazing activities, the educational purpose of the endeavor is compromised and safety of students is endangered. Hazing is therefore prohibited by College policy.

Policy Statement and Definition

Springfield College complies with and enforces the hazing laws of the Commonwealth of Massachusetts and does not permit hazing of any sort whether by organizations or individual students. Hazing is a crime in Massachusetts and is defined as: "any conduct or method of initiation into any student organization, whether on public or private property, which wilfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation." Hazing also includes soliciting, directing, aiding, or otherwise participating actively or passively in such acts. Hazing occurs regardless of the consent or willingness of persons to participate in the activity. Hazing is prohibited no matter if it occurs on or off campus. The failure to report hazing is also a crime under Massachusetts law.

"Hazing" does not include any activity or conduct that furthers legitimate, curricular or co-curricular, program goals, provided that (1) the goals are approved by the College; and (2) the activity or conduct furthers the goals in a manner that is appropriate, contemplated by the College. For examples of non-hazing activities; please contact the Athletic Department at (413) 748-3333 or the Office of Student Affairs at (413) 748-3922.

As required by law, all student groups, student teams and student organizations are required to annually sign an attestation acknowledging that they have received a copy of the Massachusetts Hazing Statute and that they understand and agree to comply with its provisions.

Massachusetts Hazing Statute

The entire Massachusetts Hazing Statute (Massachusetts General Laws, Chapter 269, Sections 17, 18 & 19) is as follows:

Section 17. Whoever is a principal organizer or participant in the crime of hazing, as defined herein, shall be punished by a fine of not more than three thousand dollars or by imprisonment in a house of correction for not more than one year, or both such fine and imprisonment.

The term “hazing” as used in this section and in sections eighteen and nineteen, shall mean any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.

Notwithstanding any other provisions of this section to the contrary, consent shall not be available as a defense to any prosecution under this action.

Section 18. Whoever knows that another person is the victim of hazing as defined in section seventeen and is at the scene of such crime shall, to the extent that such person can do so without danger or peril to himself or others, report such crime to an appropriate law enforcement official as soon as reasonably practicable. Whoever fails to report such crime shall be punished by a fine of not more than one thousand dollars.

Section 19. Each institution of secondary education and each public and private institution of post-secondary education shall issue to every student group, student team or student organization which is part of such institution or is recognized by the institution or permitted by the institution to use its name or facilities or is known by the institution to exist as an unaffiliated student group, student team or student organization, a copy of this section and sections seventeen and eighteen; provided, however, that an institution’s compliance with this section’s requirements that an institution issue copies of this section and sections seventeen and eighteen to unaffiliated student groups, teams or organizations shall not constitute evidence of the institution’s recognition or endorsement of said unaffiliated student groups, teams or organizations.

Each such group, team or organization shall distribute a copy of this section and sections seventeen and eighteen to each of its members, plebes, pledges or applicants for membership. It shall be the duty of each such group, team or organization, acting through its designated officer, to deliver annually, to the institution an attested acknowledgement stating that such group, team or organization has received a copy of this section and said sections seventeen and eighteen, that each of its members, plebes, pledges, or applicants has received a copy of sections seventeen and eighteen, and that such group, team or organization understands and agrees to comply with the provisions of this section and sections seventeen and eighteen.

Each institution of secondary education and each public or private institution of post-secondary education shall, at least annually, before or at the start of enrollment, deliver to each person who enrolls as a full time student in such institution a copy of this section and sections seventeen and eighteen.

Each institution of secondary education and each public or private institution of post-secondary education shall file, at least annually, a report with the board of higher education and in the case of secondary institutions, the

board of education, certifying that such institution has complied with its responsibility to inform student groups, teams or organizations and to notify each full time student enrolled by it of the provisions of this section and sections seventeen and eighteen and also certifying that said institution has adopted a disciplinary policy with regard to the organizers and participants of hazing, and that such policy has been set forth with appropriate emphasis in the student handbook or similar means of communicating the institution's policies to its students. The board of higher education and, in the case of secondary institutions, the board of education shall promulgate regulations governing the content and frequency of such reports, and shall forthwith report to the attorney general any such institution which fails to make such report.

Hazing Penalties

Those who organize, participate in, or fail to report a hazing incident are subject to punishment according to Massachusetts General Laws , and will face College disciplinary actions for violating College policy ranging from suspension to dismissal.

To report a hazing incident, immediately contact Public Safety, the Athletic Department, or the Office of Student Affairs.

Identification Card Policy: All students are required to have a Springfield College Identification (ID) Card containing an assigned student identification number, which should be in his/her possession at all times. This card is used for identification purposes in accessing college buildings and grounds, using athletic and audiovisual equipment, borrowing material from Babson Library, attending College sponsored events, and dining on campus. The first Springfield College ID Card is issued to a student at no charge. Replacements for lost or stolen cards will cost \$25. Except on weekends or holidays, an ID Card can be replaced within 24 hours. Students should be prepared to show their ID Card, when requested, by Housing and Residence Life staff, Public Safety officers and/or security personnel, faculty, staff and/or administrators. Failure to surrender the ID Card when requested will result in disciplinary action. The identification card must be surrendered if a student withdraws from the College in order for the withdrawal to be processed.

Falsifying your identity or that of another person is against the law and will result in disciplinary action at Springfield College.

Interference with the Student Conduct Process Policy: All persons responsible for addressing incidents (this includes but is not limited to: resident assistants, directors, staff or faculty members and/or public safety personnel) have the right to document, investigate, participate, or administer the student conduct process free of any interference, retaliation, or intimidation by any member of the Springfield College community.

Mandatory Leave/Mandatory Withdrawal Process

Springfield College reserves the right to determine, at its discretion, that each student is participating successfully in Springfield College's educational and co-curricular programs, and that his or her behavior complies with Springfield College's rules, regulations, and policies and does not impede other students' performance, threaten anyone's safety, or disrupt the College's operations.

The following policy and procedures will apply when a student exhibits seriously impaired judgment, poses a serious detriment to the community, disrupts College operations, threatens the health or safety of himself, herself, or anyone else, and/or engages in significantly disruptive activity and has not pursued a voluntary withdrawal despite guidance from student affairs and/or academic affairs to do so.

The vice president of student affairs or his/her designee will conduct an individualized assessment to determine whether the behavior warrants interrupting or terminating the student's education, ability to reside in a residence hall, or otherwise participate in co-curricular activities. This decision is made in consultation with the Office of Academic Affairs.

The vice president of student affairs, or his/her designee, may, under appropriate circumstances, require that the student be evaluated by a staff member in the Springfield Counseling Center or other qualified professional whose conclusions and recommendations will be forwarded to the vice president of student affairs or his/her designee

The final decision on the appropriate course of action will be made by the vice president of student affairs, who will consider the findings and recommendations together with all other available information, including public safety and the student's record(s). This Policy shall be applied in a nondiscriminatory manner and decisions will be made based on consideration of the student's conduct, actions and statements and not on knowledge or belief that the student is an individual with a disability or a physical or mental health condition.

If the vice president of student affairs concludes that a leave of absence or mandatory withdrawal from Springfield is warranted, the following policies will apply:

- The student's parents or guardians will be contacted and requested to come to the College to escort him or her home. In the event that the parents are unable, or unwilling, to respond, the College will make a judgment as to how best to proceed. The cost of transportation is the student's responsibility.
- Before the student returns to Springfield College, the vice president of student affairs may require that he or she be evaluated by a licensed psychologist, psychiatrist, or other appropriate health care professional, who must submit a complete evaluation to the College. This evaluation, along with any other requested documentation, should be provided to the director of the Springfield College Counseling Center. After the director of the counseling center has received all requested information, he/she will make a recommendation to the vice president of student affairs regarding re-entry/readmission, and any conditions necessary to support a successful return to the College.
- The final decision on the status of the student will be made by the vice president of student affairs, who will notify the student and his/her parents or guardians of the decision. Each student and his/ her parents or guardians acknowledge and agree that the decision of the vice president of student affairs under the provisions of this section is not subject to appeal.

Note: The vice president of student affairs may appoint a designee who is thereby authorized to make decisions on the above issues.

Medical Amnesty Policy: The Springfield College community values the health and safety of its members and supports an environment that encourages students to help others who are in need of assistance. This policy has been established to encourage students to take responsible action when another student or guest is at-risk due to the consumption of alcohol and/or drugs or other medical emergencies, but does not apply to other conduct violations such as, but not limited to, assault, harassment, hazing, vandalism, driving under the influence, property damage, or distribution of illicit substances..

Students for whom medical or staff assistance is necessary due to being dangerously intoxicated and/or under the influence of drugs will be granted amnesty from the College disciplinary process in accordance with the terms of this policy. The Springfield College student/guest who calls the Department of Public Safety on behalf of a student/guest in need will likewise be granted amnesty provided:

- The caller is a Springfield College student/guest, and
- The caller remains with the Springfield College student/guest in need until a Public Safety Officer and/or campus official arrives.

This policy applies only to those students who seek emergency medical assistance in connection with an alcohol or drug-related medical emergency and does not apply to individuals experiencing an alcohol or drug-related medical emergency who are found by employees of the College (ex.: Public Safety, Resident Assistants, other Residence Education staff members, etc.), or where the reporting student(s) did not stay with them.

Please note that a Springfield College student who requires medical or staff assistance due to being dangerously intoxicated and/or under the influence of drugs on more than one occasion may be subject to disciplinary action. Students involved in an alcohol and/or drug-related emergency for which amnesty is granted are subject to mandatory educational or developmental interventions. A Springfield College student/guest who summons assistance for a student in need will receive amnesty on an ongoing basis consistent with the terms of this policy. The College's response to these incidents is independent of any action taken by local law enforcement.

Medical amnesty applies only to alcohol or other drug-related medical emergencies but does not apply to other conduct violations such as, but not limited to, assault, harassment, hazing, vandalism, driving under the influence, property damage, or distribution of illicit substances.

Disclosure of Amnesty Incidents:

The College may disclose amnesty incidents with the student's consent. The College also may disclose an incident if a student is applying for a position within Housing and Residence Life, SOAR and/or New Student Orientation (NSO), student volunteer programs, and/or study abroad if an incident occurred within one year of application, or if the College has received subsequent alcohol or drug related incidents involving the student.

The following are not covered by the Medical Amnesty Policy:

- Students waiting until the police or other authority arrive before seeking assistance
- Action by police or other law enforcement personnel
- Violations of the Code of Conduct other than the alcohol/drugs policy
- Possession with the intent to distribute drugs.

Application to Student Organizations:

In circumstances where an organization is found to be hosting an event where medical assistance is sought for an intoxicated guest, the organization (depending upon the circumstances) may be held responsible for violations of the Alcohol Policy or Drug Policy. However, the organization's willingness to seek medical assistance for a member or guest will be viewed as a mitigating factor in determining a sanction for any violations of the Alcohol Policy or Drug Policy.

Medical Clearance Policy:

During the course of the academic year, students may be inflicted with illness. The Health Center is the campus clearinghouse for all medical information and referrals. Students who are treated at the Health Center are released with permission to return to the classrooms, laboratories, gymnasias and/or residence halls.

It is the policy of Springfield College that students who have been ill and treated at an off-campus medical facility, whether or not hospitalized or placed on medical leave, provide written information relative to the diagnosis, treatment, discharge directions and follow-up necessary to the Director of the Health Center, in the

case of medical matters, or the Director of the Counseling Center, in the case of psychological emergencies, in order to return to the College community. Following a review of the documentation provided and any discussion with the health care professional deemed appropriate by the Director, a recommendation is made to the Dean of Students concerning the student's return to normal routine activities at the College. At that point, a decision will be made in the sole discretion of the Dean of Students regarding permission to re-enter the College community. The student will be asked to meet with the Dean of Students and will be informed of the outcome. The decision will be available in written form outlining any conditions which have been established. The student may appeal the decision of the Dean of Students to the Vice President for Student Affairs, in writing, within three (3) business days of their meeting with the Dean of Students.

While it is the concern at Springfield College that the recovering student have the appropriate medical or psychological support, it is also the obligation of the College to ensure that this student does not pose any threat of spreading illness or inflicting harm to anyone else. Given the closeness of the campus community, threats might be apparent in the classroom, laboratory, residence or dining hall or athletic complex.

Non-Retaliation Policy: It is unlawful to take adverse actions against any member of the Springfield College community for filing a complaint of harassment or discrimination, or for cooperating in an investigation of such a complaint. Retaliation against a member of the Springfield College community who, in good faith, reports alleged harassment or who participates in an investigation is a violation of the policy and is subject to appropriate discipline. Retaliation may have an adverse impact in the following areas: hiring, firing, promotions, demotions, compensation, benefits, grading, pressure to withdraw from class, ignoring, refusing requests for assistance. This list is not exhaustive.

Springfield College does not tolerate retaliation against any person who in good faith makes a report of a violation of college policy. The College maintains the right to take action against a student or employee for other legitimate reasons in accordance with College policies and procedures, even if that student or employee has filed a complaint with the College or otherwise participated in a protected activity. Any person who retaliates directly or indirectly against a victim, witness, person reporting a violation, a respondent and/or charged party or any person involved in the investigation of a violation of policy will be subject to discipline, up to and including termination (if an employee) or expulsion (if a student).

Examples of protected activity include but are not limited to:

- Participating in or otherwise assisting with a College investigatory procedure or law enforcement investigation;
- Filing a complaint alleging a College policy violation or a violation of law; or
- Filing a complaint about the College's policy for resolving alleged violations of policy.

Examples of adverse action include but are not limited to:

- Threats, intimidation, continued harassment or other misconduct;
- Discouraging an individual from participation in an investigation or adjudication process; and/or
- Adverse educational or employment consequences.

Release of Personally Identifiable Information and Student Records Policy

Springfield College will maintain student confidentiality rights and protect access to information as provided by the Family Educational Rights and Privacy Act (FERPA), also known as the Buckley Amendment. Except as provided by law, information from a student's records will not be released without the prior written consent of the student. This legislation also provides for the College to release the following information without consent:

1. Directory information may be provided unless a student has filed a written request to withhold this information. Students must advise the Registrar in writing not later than September 15 of each academic year if they wish to restrict the release of this information whether the student resides on or off campus. Springfield College considers the following information as “directory information”: name; campus mailbox and dates of attendance at the College, major credit hours earned, degrees earned, honors received.
2. Information may be shared with and by Springfield College faculty and staff who have a legitimate educational interest in the student.
3. Academic information may be shared with persons identified by the student on the authorization form to release academic record information.
4. Alcohol and drug violation information may be shared with parents/guardians, at the College’s discretion.

In addition, any requests which come from officials of other institutions in which the student might be applying for transfer, government agencies and officials who provide proper identification, officers of the court, financial aid personnel to support a student’s application for aid, as well as appropriate parties in health or safety emergencies will have access to information in the student’s records. Students may also be asked to sign a written waiver granting permission for the release of information from the school records.

Students may also be asked to sign a written waiver granting permission for the release of information from the school records. Students retain the right to review the contents of their educational and academic records. In order to do so, a formal written request must be made through the Offices of the Registrar or Student Affairs. In such cases, a meeting will be established within 45 days of the request to permit the student to review materials. Springfield College will comply with a written request initiated by the student to supply information in their behalf. Such requests must be signed and dated and include the specific records or information to be disclosed, the purpose for the disclosure and the individual(s) to whom the information should be released. Details concerning the FERPA are available in the Office of the Registrar and the Office of Student Affairs.

Reporting Off-Campus Address Policy: Seniors who choose to live in non-college owned facilities after fulfilling the three year residency requirement, graduate students who live in non-college owned facilities and undergraduate students who have been approved for commuter status by the Office of Housing and Residence Life are required to notify the College of their local address and phone number no later than September 15 of each year or within two weeks of assuming residence at that location. The information is critically important for the College to have on file in case of emergencies. A student can choose to restrict publication of the information which would then only permit access by the Office of Student Affairs and Public Safety. Failure to comply with this regulation may result in cancellation of registration.

Responsible Use of Information Technologies Policy: The Springfield College Responsible Use Policy is to serve as a guideline by which faculty, staff and students can review the requirements of ethical and legal behavior within the College community when using a computer, computer system, network or the Internet.

Access to, and use of computing and networking resources at Springfield College are privileges extended to members of the Springfield College community. The use of College computing resources, like any other College-related activity, is subject to the normal requirements of legal and ethical behavior within the College community. Members of the Springfield College community may use these resources for purposes related to their studies, their responsibilities for providing instruction, the discharge of their duties as employees, their official business with the College, and other College sanctioned or authorized activities.

Springfield College acknowledges that occasionally faculty, staff and students use College resources assigned to them or to which they are granted access for noncommercial uses are permitted by faculty, staff, and students,

if they are not excessive, do not interfere with the performance of any faculty, staff, and students, do not interfere with the efficient operation of the College or its computing resources, and not otherwise prohibited by this policy or any other College policy or directive.

Because computing systems have such great power, activities that might at first seem to be merely mischievous, can harm an entire College community and beyond. Any unauthorized access or interference with system functionality is unacceptable.

College-wide guidelines such as the Student Handbook, Sexual Harassment Policy and Copyright Policy apply to the use of computing resources, as do community standards of consideration for others, and the mission of the College. Federal, state and local laws and regulations also apply.

Springfield College computing resources may only be used for legal purposes and may not be used for any of the following purposes or any other purposes that is illegal, immoral, unethical, dishonest, damaging to the reputation of the College, inconsistent with the mission of the College or likely to subject the College to liability. Impermissible uses (some of which may constitute illegal uses) include, but are not limited to, the following:

- Harassment
- Libel or slander
- Fraud or misrepresentation
- Destruction of, or damage to equipment, software, or data belonging to the College or others
- Disruption or unauthorized monitoring of electronic communications
- Unauthorized copying or transmission of copyright protected material
- Use of the College's trademarks, logo, insignia, or copyrights without prior approval
- Violation of computer system security
- Unauthorized use of computer accounts, access codes (including passwords), or network identification numbers (including email addresses) assigned to others
- Use of computer communications facilities in ways that unnecessarily impede the computing progress of others
- Development or use of unapproved mailing list
- Use of computer facilities for private business purposes unrelated to the mission of the College or to College life
- Academic dishonesty
- Violation of software license agreements
- Violation of network usage policies and regulations
- Violation of privacy
- Viewing, posting, or sending obscene pornographic, sexually explicit, or offensive material
- Posting or sending material that is contrary to the mission and values of the College
- Intentional or negligent distribution of computer viruses

Responsibilities of Users

The user is responsible for correct and sufficient use of the tools available for maintaining the security of information stored on each computer system. The following precautions are strongly recommended:

- Computer accounts, passwords, and other types of authorization are not be shared with others
- Understand the level of protection the computer systems automatically apply to files
- Be aware of computer viruses and other destructive computer programs, and take steps to avoid them

- Understand that the user has ultimate responsibility for resolution of problems related to the invasion of the user's privacy or loss of data
- Be sure to make backup copies of all important data
- Respect the privacy of others
- Be sure to comply with all federal, state and other applicable laws as well as College policies and regulations

Security

Springfield College will assume that users are aware that electronic files are not necessarily secure. Users of electronic mail systems should be aware that electronic mail is generally not secured and is extremely vulnerable to unauthorized access and modification. The Office of ITS will make available to interested persons information concerning reasonable methods for attempting to protect information on central computing systems from loss, tampering, unauthorized search, or other access.

Privacy and Confidentiality

Springfield College reserves the right to inspect and examine any Springfield College owned or operated communications system, computing resource, and/or files or information contained therein at any time, as well as personally owned computers linked to College servers and telecommunications equipment.

Authorized access to data or information entails both privilege and responsibility, not only for the user, but also for the system administrator. There is no expectation of privacy or confidentiality for documents and messages stored on College-owned equipment. Additionally, email and data stored on Springfield College network of computers may be accessed by the College for the following purposes:

- Troubleshooting hardware or software problems
- Preventing unauthorized access and system misuse
- Retrieving business related information*
- Investigating reports of violation of College policy or local, state or federal law
- Complying with legal requests for information
- Rerouting or disposing of undeliverable mail

* The system administrator will need specific approval from the Office of Human Resources or the appropriate designee to access these items. The extent of the access will be limited to what is essentially necessary to acquire the information.

Reporting Violations

All users should report any discovered unauthorized access attempts or other improper usage of Springfield College computers, networks, or other information processing equipment. If you observe, or have reported to you, a security or abuse problem, with any College computer or network facilities, including violations of this policy, you should notify the Chief Technology Officer, the Office of Human Resources or other appropriate administrator.

Violations of this policy may be treated as violation of College policy and/or violations of civil or criminal law. The Office of ITS in conjunction with the Office of Human Resources will investigate apparent or alleged violations of these guidelines. The College reserves the right to immediately suspend user privileges pending

investigation. Such action will be taken to protect the security and integrity of the computer system and will take precedence over its impact on the individual work.

When appropriate, at the discretion of the Chief Technology Officer, cases of apparent abuse will be reported to the Vice President for Student Affairs (student cases), the Vice President for Academic Affairs (faculty cases), or the Director of Human Resources (staff cases). These offices are responsible for determining any further disciplinary action. Upon a finding of a violation, disciplinary measures may include warnings, suspension of user privileges (temporary or permanent), disciplinary action up to and including termination of employment. The College may also pursue civil and/or criminal charges if it deems appropriate.

Questions regarding this policy should be sent to the Director of Information Technology Services or the Director of Human Resources.

Computer Code of Ethics/Acceptable use of Campus Network and Computing Systems:

Computer abuse affects everyone who uses computing facilities and results in significant expense to the College. The same moral and ethical behaviors that apply in the non-computing environment apply in the computing environment. Springfield College treats access and use violations seriously. Access to the College computing facilities and information resources is a privilege granted to the College's students, faculty, administrators, and staff. Access to the College's computing facilities and information resources may be restricted or terminated at the College's sole discretion based on the following factors: failure to comply with relevant laws and contractual obligations (including the terms of any license agreements); the risk of damage or loss to the College; the impact of a violation upon the community or third parties; and costs incurred by the College in responding to abuses of the system.

It is the responsibility of each community member to use the services provided by the College's campus network and computing systems appropriately and in compliance with all College, town, county, state, and federal laws and regulations. Furthermore, users are expected to use computer, electronic mail, and network services in an effective, ethical, responsible, and efficient manner consistent with the instructional, research, public service, and administrative goals of the College. This policy covers all persons accessing a computer, telecommunications, or network resource at Springfield College, including the campus data network, electronic mail, file sharing, printing, Web services, telephone services and cable television.

College policy and relevant laws apply to use of the College's network and computing services. Actions that are unacceptable in the College community also are unacceptable on the network, computing systems, and other electronic services including:

- Harassment in any form.
- Failure to respect the rights and property of others.
- Forgery or other misrepresentation of one's identity.

Distribution, redistribution, attempted downloading, or downloading of copyrighted materials without the permission of the copyright owner.

Solicitation Policy: The primary goal of Springfield College is fostering education and study. To achieve this, the College places restrictions on activities which might disrupt the operations of the College. For this reason, commercial groups not associated or affiliated with the College are not permitted on College-owned property for the purpose of solicitation without the advanced written permission of the Vice President for Student Affairs or Director of Student Activities and Campus Union. Such solicitation includes the distribution of flyers, announcements, and posters as well as door-to-door sales in the residence halls or other College buildings. The Student Activities and Campus Programs Office in the Flynn Campus Union arranges opportunities for outside vendors to sell their goods in the Campus Union during the academic year. Arrangements for such sales must be

made through and approved by the Director of Student Activities and Campus Programs in advance and in writing.

Campus-recognized and affiliated groups are permitted to place announcements, flyers, and posters, for the purpose of advertising their group's events, ONLY after being approved by the Office of Student Activities and Campus Union. Flyers and posters can only be displayed on bulletin boards in which are found in numerous areas around the campus. Flyers, posters, and announcements placed on walls by College-recognized groups may be removed and discarded. No door-to-door solicitation is permitted in the residence halls or any College-owned buildings by anyone including recognized or affiliated Springfield College groups or individuals.

Banners may not be hung from any building on campus without written permission from the Director of Student Activities and Campus Union. There are designated areas on campus where banners may be hung for the purpose of advertising programs or events. Arrangements may be made to hang banners at these locations through the Office of Student Activities and Campus Union. Disciplinary action will be taken against the group or individuals who violate this policy.

Spectator Participation Policy

Copies of the Athletics Department Spectator Participation policy are available in the Athletics Office. In essence, the Athletic Department believes in providing a positive, meaningful, educational atmosphere for the conduct of its athletic events and behavior contrary to this intent will not be tolerated. A Springfield College student found to be in violation of this policy is regulated by the general rules, guidelines, and sanctions established in the Springfield College Student Handbook.

Smoking and Tobacco Use Policy: Smoking in all College buildings is prohibited and as of January 1, 2017 the campus will be entirely smoke and tobacco free.. This policy is to help promote a safe, healthy, and comfortable living and learning environment for all community members. Please note that e-cigarettes are included in this policy. Therefore, students may not smoke e-cigarettes in any building on College property.

Please note that this policy applies to all Springfield College members of the community. Guests should be made aware of the College's policy by the Springfield College community members with whom they are visiting.

****Students who violate this policy are subject to a \$100 fine and other sanctions as deemed appropriate.**

Student Demonstration Policy: Students who choose to express their opinions and differences through demonstrations must keep the following in mind:

The demonstration must be orderly at all times and should in no way jeopardize the public safety or interfere with the College program(s). Picketing or demonstrating must not interfere with the entrances to buildings or the normal flow of pedestrian or vehicular traffic. Students involved in a demonstration may not interfere by mingling with organized meeting or other assemblies for the purpose of harassment since this invades the rights of others to assemble and the rights of speakers to free expression. The demonstrating group may not obstruct or physically interfere with the integrity of the classroom, the privacy of the residence halls, the operation of the administrative process, or the function of the physical plant. Acts of violence or intimidation on the part of any group of students or other conduct which the College deems in violation of its policies, whether it be those who are demonstrating, those who are dissenting or those who are interfering with the process of dissent, will result in immediate disciplinary action.

Theft Policy: Actual or attempted theft of personal property, College property, public/private property or identity is prohibited. Additionally, the possession of stolen property is prohibited. College-owned furniture and equipment is placed in lounges and other locations/common areas on campus for the benefit of all students. Theft, removal, damage or possession of, and relocation to student rooms is prohibited. Students found responsible will face disciplinary actions and/or criminal prosecution. Removal of College furniture or property from public areas or student rooms will result in a fine equal to the cost of the missing furniture, and possibly other sanctions outlined in the Code of Conduct.

Unauthorized Entry into College Facilities Policy: Unauthorized entry, use, or occupancy of College facilities is a violation of College policy and may result in disciplinary action. Tampering with locks to College buildings, unauthorized possession or use of College keys or a Springfield College ID, and alteration or duplication of College keys and/or student ID, also are prohibited.

Vandalism/Damage Policy: Damage, destruction or defacement of/to personal property, College property, or public/private property, whether intentional or through negligence. Any report of vandalism or damage is a violation of the Community Standards and violators will be sanctioned appropriately.

GUIDE TO COMMUNITY STANDARDS PROCESS

Preamble to the Code of Conduct

The mission of Springfield College is to educate students in the spirit, mind, and body for leadership in service to humanity by building upon the foundation of the Humanics and academic excellence. The purpose of the Springfield College Student Code of Conduct is to promote a campus environment that supports the mission of the College, by articulating appropriate standards of individual and group behavior. Students are required to familiarize themselves with all College policies and regulations. Lack of familiarity with policies and regulations regarding expected behavior will not be excuse a student from being held responsible for violations of College policies and regulations.

Student Rights

The following enumerated rights which are deemed necessary to achieve the educational goals of the College are guaranteed to each student within the limitations of statutory law and College policy.

- A student shall have the right to participate in a free and civil exchange of ideas.
- Students shall be treated on an equal basis in all areas and activities of the College regardless of race, color, religion, sex, age, national origin, sexual orientation, or disability.
- A student has the right to personal privacy except as otherwise provided by law, and in accordance with other College policies, and this will be observed by students and College authorities alike.
- Each student shall be free from disciplinary action by college officials for violations of civil and criminal law off campus, except when such a violation is determined also to be a violation of the provision regarding off-campus conduct in the Student Code of Conduct and College policies.
- Each student subject to disciplinary action arising from violations of the Student Code of Conduct and College policies shall be assured procedural due process.
- Students' academic rights include competent instruction for full-allotted time and sufficient assignments graded fairly and promptly to inform the student of academic standing.

Student Responsibilities

- A student has the responsibility to respect the rights and property of others, including other students, the faculty, the administration, and the staff.
- A student has the responsibility to be fully acquainted with the published College policies and to comply with them and the laws of the Commonwealth of Massachusetts.
- A student has the responsibility to recognize that student actions reflect upon the individuals involved and upon the entire College community.
- A student has the responsibility to recognize the College's obligation to provide an environment for learning.

Student Code of Conduct

Interpretation of Regulations

Disciplinary regulations of the College are set forth in writing in order to give students general prohibitive conduct. The regulations should be read broadly and are not designed to define misconduct in exhaustive terms. In addition, alleged violations of local, state, and federal laws may constitute a violation of the College's Student Code of Conduct. Violations of the Student Code of Conduct may be grounds for disciplinary action.

Article I. Definitions

1. The term "*College*" means Springfield College.
2. The term "*student*" includes all persons taking courses at the College, either full-time or part-time, pursuing undergraduate, graduate, or professional studies. Persons who withdraw after allegedly violating the Student Code of Conduct, who are not officially enrolled for a particular term but who have a continuing relationship with the College or who have been notified of their acceptance for admission are considered "students" as are persons who are living in College residence halls, although not enrolled in this institution. This Student Code of Conduct does apply at all locations of the College.
3. The term "*faculty member*" means any person hired by the College to conduct classroom or teaching activities or who is otherwise considered by the College to be a member of its faculty.
4. The term "*College official*" includes any person employed by the College, performing assigned administrative or professional responsibilities.
5. The term "*member of the College community*" includes any person who is a student, faculty member, College official, or any other person employed by the College. A person's status in a particular situation shall be determined by the Office of Human Resources and/or the Office of Registration and Records.
6. The term "*College premises*" includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the College (including adjacent streets and sidewalks).
7. The term "*organization*" means any number of persons who have complied with the formal requirements of College recognition.
8. The term "*Administrative Hearing Officer*" means a College official authorized on a case-by-case basis by the Assistant Vice President for Student Affairs to hear cases regarding alleged violations of College policies and/or regulations and to impose sanctions upon any student(s) found to have violated the Student Code of Conduct.
9. The term "*shall*" is used in the imperative sense.
10. The term "*may*" is used in the permissive sense.

11. The Vice President for Student Affairs is the person designated by the College President to be responsible for the administration of the Student Code of Conduct and the Vice President for Student Affairs has designated the Assistant Vice President for Student Affairs to administer the code.
12. The term “*policy*” means the written regulations of the College as found in, but not limited to, the Student Code of Conduct, Residence Life Handbook, the College website and computer use policy, and Graduate/Undergraduate Catalogs.
13. The term “*complainant*” means any person who submits a charge alleging that a student violated this Student Code of Conduct. When a student believes that s/he has been a victim of another student’s misconduct, the student who believes s/he has been a victim will have the same rights under this Student Code of Conduct as are provided to the complainant, even if another member of the College community submitted the charge itself.
14. The term “*respondent*” means any student who is responding to allegations of violation of College policy, the Student Code of Conduct and/or Housing and Residence Life policies.
15. The term “*business day*” means any day, Monday through Friday, during which the College is open for business.

Article II. Student Code of Conduct Authority

1. The Assistant Vice President for Student Affairs, as the chief student conduct officer for the College, shall identify and train Administrative Hearing Officers and determine which Administrator shall be authorized to hear each matter.
2. The Assistant Vice President for Student Affairs shall develop policies for the administration of the student conduct system and procedural rules for the conduct of Administrative Hearings that are consistent with provisions of the Student Code of Conduct.
3. Decisions made by an Administrative Hearing Officer are be final, pending the appeal process detailed in Article V below.

Article III. Proscribed Conduct

A. Jurisdiction of the College Student Code of Conduct

The College Student Code of Conduct shall apply to conduct that occurs on College premises, at College-sponsored activities, and to off-campus conduct that adversely affects the College community and/or the pursuit of its objectives. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if their conduct is not discovered until after a degree is awarded). The withdrawal/leave of absence process cannot be completed if there is a pending judicial matter. The Assistant Vice President for Student Affairs, or his/her designee, shall decide whether the Student Code of Conduct shall be applied to conduct occurring off campus, on a case by case basis, in his/her sole discretion.

B. Conduct-Rules and Regulations

Any student alleged to have violated one or more of the College policies, Code of Conduct policies and/or Housing and Residence Hall policies is subject to the disciplinary sanctions outlined in Article VI, if found responsible for one or more of the charges.

C. Violation of Law and College Policy/Regulation

1. College disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and this Student Code of Conduct (that is, if both possible violations result from the same factual situation) without regard to the tendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this Student Code of Conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Assistant Vice President for Student Affairs. Determinations made or sanctions imposed under this Student Code of Conduct shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of College rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.
2. When a student is charged by federal, state, or local authorities with a violation of law, the College will not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense is also being processed under the Student Code of Conduct, the College may advise off-campus authorities of the existence of the Student Code of Conduct and of how such matters are typically handled within the College community. The College will attempt to cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and the conditions imposed by criminal courts for the rehabilitation of student violators (provided that the conditions do not conflict with campus rules or sanctions). Individual students and other members of the College community, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

Article IV Code of Conduct Procedures

If you alleged to have violated one or more of the College's Code of Conduct policies, you will be scheduled to meet with a college official who serves as an administrative hearing officer for our Community Standards process and you will be notified via College e-mail of your meeting date, time, and location.

The meeting will be approximately 30-45 minutes and will cover the following:

- To hear about the incident from your perspective;
- To share what information we have received;
- To answer the student's questions about the process;
- To explain the College's standard of proof;
- To review possible sanctions and how the hearing officer will notify you of their decision (the outcome of your hearing) decision letter;
- To review the appeal process; and
- To discuss future decision-making.

Within 3-5 business days of your meeting, you will receive an outcome letter, via email, that details all pertinent information regarding the hearing officer's decision including but not limited to, the findings for each charge (responsible or not responsible), sanctions, and a link to the appeal process.

Article V Appeal Process

Every student has the right to ask for reconsideration of a decision determined by any Hearing Officer.

Appeals are confined to a review of the case file based on one or more of the pertinent grounds for appeal described below. Appeals are not intended to re-hear the allegations or to constitute a de novo review of the case.

Absent clear and material error, appeals determinations are intended to be deferential to the original hearing officer. Findings should be revised by the appeal officer only when returning the case for reconsideration by the original hearing officer or granting a new hearing would be insufficient, impractical or unnecessary. Sanctions will be revised by the appeal officer only if there is a compelling justification to do so.

An appeal must be submitted within three **(3)** business days after the decision letter is delivered to the student's Springfield College email account.

An appeal may be made solely on the grounds of:

1. Error in the charge and/or hearing process that has materially affected the outcome (e.g., substantiated bias, material deviation from established procedures, etc.);
2. New information that could not have been discovered prior to the hearing through the exercise of reasonable diligence and that would have materially affected the outcome. A summary of this new evidence and its potential impact must be included in the written appeal

The Vice President for Student Affairs or his/her designee shall act as the appeal officer. The appeal must be submitted electronically via the appeal form link included in your outcome letter and must clearly and succinctly outline and explain how the specific grounds described above have been met. The party submitting the appeal has the burden of demonstrating how the above grounds have been met. After reviewing the written appeal(s), written statement(s), and associated case file, the appeal officer will take one of the following actions:

1. Reject the appeal as untimely or improper based on the grounds articulated above.
2. Uphold the original decision and/or sanction.
3. Grant the appeal and:
 - a. Return the case with specific instructions to the original hearing officer or hearing body for further consideration;
 - b. Modify the sanction(s) by reducing or enhancing the sanction(s). A rationale will be provided by the appeal officer when a sanction is modified

All decisions made by the Appeal Officer are final and not subject to further appeal.

Article VI. Community Standards Sanctions

The purpose of the College's Community Standards process is to be both educational and corrective, but can be punitive when deemed necessary. The Community Standards process is intended to make clear to the student the limits of acceptable behavior and to give students who violate the Code of Conduct an opportunity to more fully understand the expectations of being a member of the Springfield College community. The consequences for students and/or organizations found responsible and/or complicit in a violation may include a combination of interventions. Failure to complete assigned consequences may result in the student's record being placed on hold (Community Standards Hold) which can prevent registration, participation in the room selection process,

release of grades/transcripts, participation in graduation, and/or the granting of a degree. The consequences/sanctions include, but are not limited to, the following:

1. Written Warning of Violation of Code of Conduct: An official written notice of the College's disapproval of a student's actions indicating that any future violation will be dealt with more severely.
2. Restriction: Temporary or permanent loss of privileges or the use of or participation in a College facility, program, or service.
3. Intervention: Educational or informative workshops, events, reflective or research papers, meetings, counseling sessions, or activities related to the violation or incident.
4. Monetary Fines: A disciplinary fine that is placed on the student's account. Note: Standard fines include \$50.00 for a first alcohol offense, \$100 for a first drug offense and \$100.00 for a second alcohol or drug offense. Other violations may warrant the consequence of a greater or lesser fine depending on the policy and the circumstances.
5. Restitution: Compensation for loss, damage or injury made payable to the affected party
6. Probation: Official notice that any further/future violations are likely to result in suspension or expulsion from the College. A student on probation may not be permitted to serve in select leadership positions in student organizations and may experience additional restrictions and loss of privileges from varying programs and events as specified in the policies of such activities.
7. Interim Action: Interventions and/or restrictions issued by the assistant vice president for student affairs or his/her designee at his/her discretion prior to the adjudication of a conduct case that could include, but are not limited to, interim suspension, limitation of access to designated College facilities and/or residence halls by time and location, limitation of privilege to engage in specified College activities and/or reassignment to alternate housing pending the outcome of the Community Standards process.
8. Interim Suspension: A denial of access to the residence hall(s), to the campus (including academic classes), and/or to all other College activities or events, which the student might otherwise be eligible to participate in or attend. Note: Interim Suspensions are issued prior to adjudication of a student conduct case by the assistant vice president for student affairs or his/her designee. Interim suspension may be imposed: a) to ensure the safety and well-being of members of the College community or preservation of College property; b) to ensure the student's own physical or emotional safety and well-being; or c) if the student poses an ongoing threat of disruption of, or interference with, the normal operations of the College. The interim suspension does not replace the regular process, which shall proceed on the normal schedule, up to and through an Administrative Hearing, if required. However, the student will be notified in writing of this action and the reasons for the suspension. The notice will include the time, date, and place of a subsequent hearing at which the student may show cause why his or her continued presence on the campus does not constitute a threat.
9. Suspension: A complete separation from all College classes, activities, events, services, facilities, grounds and campus property (including College owned houses in the adjacent neighborhoods) for a specific period of time and/or until specific conditions are met. Any violation of these terms will result in additional action up to and including expulsion. Suspensions are immediate regardless of the timing of the academic year, unless otherwise specified.
10. Expulsion: Complete and permanent termination of the student's relationship with the College. This termination pertains to all classes, activities, services, facilities, grounds, and precludes any future enrollment in the College's undergraduate, graduate, and professional schools.

The information provided below is to highlight **possible** consequences for typical policy violations of the Code of Conduct and is not absolute; individual circumstances will be reviewed in detail before a decision is rendered.

Aggravating factors will also be considered.

Alcohol Violations	Sanctions
Underage possession or use of alcohol with no aggravating factors	Written Warning of Violation of Code of Conduct, Think About It (online educational module) and/or Alcohol Policy Reaction Paper
Underage possession or use of alcohol with aggravating factors (such as conduct history, amount of alcohol, other minor violations)	\$100 fine, probation, Deferred Loss of Housing, Alcohol Education Class and Reflection Paper, parent/guardian notification
Hospital Transport for Alcohol Abuse	Parent/guardian notification, Probation (any further violation of the Code of Conduct will likely result in college suspension), AOD counseling referral, \$100 fine, and/or BASICS
Underage possession or use of alcohol with significant aggravating factors (3 or more alcohol violations; alcohol violation with violence or assault associated)	\$100 fine, removal from Housing or college suspension, parent/guardian notification, AOD assessment and referral to out or inpatient treatment and/or BASICS
DUI/DWI	\$100 fine, suspension, and/or AOD assessment and treatment plan, parent/guardian notification
Providing alcohol to minors	\$75 fine, Think About It (online educational module), parent/guardian notification

Drug Violations	Sanctions
Possession of drug paraphernalia	Think About It (online educational module)
Possession and/or use of a marijuana with no aggravating factors	\$50 fine, written Warning of Violation of Conduct Code, parent/guardian notification, Think About It (online educational module) and reflection paper, Deferred loss of housing.
Possession and/or use of a marijuana with aggravating factors (such as conduct history, amount of marijuana, other minor violations)	\$100 fine, probation, Removal from Housing, parent/guardian notification
Possession and/or use of illegal drugs (such as heroin, cocaine, large amounts of marijuana) or of legal medication which is being used outside the parameters of a medical authorization	\$100 fine, college suspension of at least one year, AOD assessment and treatment plan, parent/guardian notification
Intent to sell and/or sale and/or distribution of controlled substances and/or drugs	Expulsion

Non Alcohol and Other Drug Violations	Sanctions
Abuse and Assault	Parent/guardian notification, college suspension or expulsion
Bias Incident	Depending on the severity of the case: counseling, restitution, probation, college suspension, or expulsion
Disorderly Conduct	Parent/guardian notification, probation
Disrespectful or Verbally Abusive Behavior towards a College Official	Parent/guardian notification, probation, restitution, or mediation
Failure to Comply	Parent/guardian notification, probation
False Identification	\$100 fine, parent/guardian notification, probation
Fighting/Physical Assault	College suspension, expulsion, restitution, or mediation
Fire Alarm - Activation of a false alarm	\$100 fine, restitution, college suspension, loss of housing
Fire Alarm - failure to evacuate	Watch fire safety movie, fire safety paper
Fire Alarm - false discharge of a fire extinguisher	Restitution, deferred loss of housing
Guest policy violation	Deferred loss or loss of guest privileges for a specific period of time
Hazing	Depending on the severity of the case: counseling, restitution, probation, college suspension, expulsion
Interfering with conduct process	Probation, reflection paper, interview
Noise violation	Restitution, mediation
Public urination	Parent/guardian notification, reflection paper
Smoking/tobacco use/vaping	\$100 fine, confiscation of paraphernalia
Theft	Restitution, probation, loss of privileges
Threatening behavior	Parent/guardian notification, restitution, probation
Vandalism/Damage	Restitution, probation, parent/guardian notification, deferred loss or loss of housing

(a) If a group or organization is charged with violation of one or more College policy or regulation, the following sanctions may be imposed upon groups or organizations:

1. Those sanctions listed above in Article V.
2. Loss of selected rights and privileges for a specified period of time.
3. Deactivation or loss of all privileges, including College recognition, for a specified period of time.

(b) Other than College expulsion or revocation or withholding of a degree, disciplinary sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's disciplinary record. Cases involving the imposition of sanctions other than residence hall expulsion, College suspension, College expulsion or revocation or withholding of a degree shall be expunged from the student's confidential record seven years after final disposition of the case. In situations involving both an accused student(s) (or group or organization) and a student(s) claiming to be the victim of another student's conduct, the records of the process and of the sanctions imposed, if any, shall be considered to be the education records of both the respondent(s) and complainant(s) because the educational career and chances of success in the academic community of each may be impacted.

Article VII. Interpretation and Revision

- A. Any question of interpretation or application of the Code of Conduct shall be referred to the Assistant Vice President for Student Affairs or his or her designee for final determination.
- B. The Student Code of Conduct shall be reviewed every year under the direction of the Vice President of Student Affairs.

HOUSING AND RESIDENCE LIFE SECTION

Rights and Responsibilities of Students Who Reside In College-Owned Housing

As a member of the residential community at Springfield College, students have a number of rights and privileges. At the same time, they have a responsibility to conduct themselves in a way which upholds reasonable standards of conduct and civility in the community.

Rights

- To be treated with respect and consideration.
- To be able to read and study free from undue interference in individual rooms.
- To expect a roommate to respect personal belongings.
- To live in a clean environment.
- To have free access to assigned room and facilities without pressure from a roommate.
- To have personal privacy.
- To have guests in the room in compliance with the guest policy outlined in the room Office of Housing and Residence Life contract.
- To be able to address grievances and concerns.
- To be free from fear or intimidation, physical and/or emotional harm.
- To be free from all forms of discrimination.
- To have access to supportive residence hall staff in time of need and to assist in the resolution of conflicts or differences.

Responsibilities

1. To become familiar with all of the policies and regulations necessary for the residence hall community to function, and to abide by those rules, which are found in the Office of Housing and Residence Life Contract.
2. To treat others with respect and consideration, and to guarantee them their individual rights.
3. To be responsive to all reasonable requests of fellow residents.
4. To accept responsibility for personal and community safety, i.e. to refrain from misusing fire equipment, propping doors open, losing keys, throwing things out the window and obstructing hallways or entrances with bicycles or other items.
5. To inform appropriately registered guest(s) of all relevant policies and regulations and accept responsibility for their conduct and behavior, and to accompany guests at all times
6. To control the volume of noise and music emitting from assigned room out of consideration of other residents.
7. To inform roommate(s) and floormates of personal needs and preferences and to negotiate differences.
8. To seek out appropriate medical and psychological help, when and if necessary, and to avoid becoming excessively demanding on fellow residents.
9. To avoid damaging college property and to recognize that public areas and their furnishings belong to everyone and that abuse of those areas violates the rights of the community.
10. To adhere to all college policies and regulations relative to the use and misuse of alcohol and illegal drugs.
11. To be responsive and cooperative in all dealings with Residence Life Staff members.

Housing Assignments

Students are assigned roommates when they are accepted for admission to the College. These assignments are based upon information gained from the Student Housing Preference Survey sent to each individual prior to their arrival.

Roommates are encouraged to negotiate differences and to work with staff to problem solve and communicate. Anyone desiring to change rooms or residence halls should meet with their residence hall staff or go to the Office of Housing and Residence Life for assistance. Requests for room changes may be accommodated on a case-by-case basis. Please note that there is a housing freeze for the first two weeks and room switches are not permitted until the third week of each semester. This is to allow time for students to get to know one another, and for residence life staff to process withdrawals and finalize available spaces. There is \$35 fee per room change. Returning students have the opportunity to select roommates and specific rooms or apartments during the Room Selection process, which is held each year in April.

Residency Requirement Policy

Springfield College is residential college that is committed to the belief that there are numerous benefits to living in a college community. The College believes in the education of the whole person and regards the residential experience as an integral part of that education. For this reason the College requires all full-time undergraduate students to live on campus for a minimum of three years unless the student meets one of the following conditions:

- Are 23 years of age or older;
- Are married;
- Have a dependent child;
- Have been a veteran of at least two years on active military duty;
- Are planning to live at home with a parent(s) or guardian and that home is within a 60 mile radius;
- Have lived on campus for three years at Springfield College or at another college.

Students who meet one of the above criteria are required to petition the Office of Residence Life by submitting a Commuter Status Application. Approved students will have their status recorded by the College.

Housing and Residence Life Policies and Regulations

The policies and regulations detailed in the Office of Housing and Residence Life Contract have been designed with the belief that certain guidelines become necessary to provide a framework within which a residence facility and its residents can function harmoniously and demonstrate respect to other students as well as College and personal property. Failure to abide by College policies and regulations will result in disciplinary action as prescribed by the Springfield College Student Handbook. Some violations have a specific fine or censure attached to them:

- Tampering with fire safety equipment.
- Possession of a firearm or any illegal weapon, or possession or use of fireworks or explosives is prohibited.
- Violations of Drug Policy.
- Failure to leave building during fire drills, failure to leave in a timely manner or reentering the building without verbal clearance or staff permission.
- Use or possession of large quantities of alcohol including cases, kegs, beer balls, bulk containers of alcohol, or funnels.

- Consumption of alcohol in unauthorized areas, residence halls or other campus locations (including first violation).
- Use or possession of unapproved electrical appliances in residence hall rooms
- Propping open doors of residence facilities
- Throwing garbage or other items out windows.
- Construction of unauthorized loft without permit.
- Removal of hall lounge furniture to use in student rooms.
- Open Flames: candles (may be confiscated), incense, cigarette smoking.
- Damaging College property will result in charges to the individual(s) responsible for said damage. Damage to individual rooms or apartments will be shared by the students assigned to that space.
- Students living in the residence halls are expected to express themselves civilly at all times. Students are prohibited from using the windows of residence halls for displays of signage of any type.

Vandalism/Damage in College Owned Housing

All buildings/rooms/apartments/suites will be inspected by Housing Residence Life prior to a student's arrival. Students will only be allowed to check into rooms/suites deemed by Facilities to be in move in condition and with all College furniture present. Within 72 hours of your arrival, residents have the obligation to conduct a thorough room/suite inspection and report any concerns (condition of the room/suite, furniture, maintenance needs, repairs needed) to Facilities or Housing and Residence Life. Additionally, submitting a Work Order within 72 hours of your move-in date makes you eligible for the damage appeals process at the conclusion of your stay. If a Work Order is not submitted, it is understood that the room was in move in condition upon your arrival and all furniture was present. The condition of rooms and suites is the residents' collective responsibility.

All rooms/apartments/suites will again be inspected after your departure. Any damages found in the room, intentional or accidental, beyond normal wear and tear and/or missing furniture, will be the responsibility of the resident/suitemates along with the corresponding damage charges.

Public areas/common rooms (halls, stairways, lounges, laundry rooms, lobbies, bathrooms, kitchens, etc.) are the collective responsibility of residents of that hall, floor, room, or suite. Springfield College makes every attempt to attribute damage and vandalism charges to the individual(s) responsible, but when those responsible cannot be found, all members of a suite, room, floor or building may be charged equally for damages. It is our hope that affected residents will cooperate to ensure that those responsible are held accountable.

Any report of vandalism or damage is a violation of the Community Standards and violators will be sanctioned appropriately

Residence Hall Emergencies

Emergencies that are reported by students to Public Safety should also be brought to the immediate attention of the Resident Assistant on duty via the posted cell phone number in each individual residence hall. These include serious accidents, illness, gross violations of rules, plumbing or electrical failures, fire and similar matters.

Fire Prevention

Each residence hall building is required to organize fire drill procedures and to hold fire drills. When the fire alarm sounds, each student is to leave the residence hall as quickly and quietly as possible.

Evacuation Procedure

- Shut all windows.
- Leave lights on.
- Wear shoes.
- Take towel to cover face in case of fire.
- Close doors, but leave unlocked.
- Walk quickly to nearest exit, DO NOT use the elevator.
- Remain calm.

Failure to evacuate the premises within three to five minutes, failure to cooperate with College personnel, or premature re-entry of the building when alarms sound will result in an automatic fine. If any further violations occur, the student will face progressive disciplinary action.

Fire Protection Equipment

To protect the life and safety of those living in College housing, the use of fire extinguishers and all other equipment necessary for fire protection must be limited to emergencies or fire drills only. Tampering with fire equipment is prohibited.

Fire Safety Regulations

Students are not allowed to cook in their rooms or be in the possession of cooking appliances. All cooking and storage of cooking appliances must be restricted to kitchen facilities provided in each residence hall or apartment. Candles or incense are not permitted in residence halls. The garaging of any type of motor vehicle or combustible material is not permitted in the buildings. Refrigeration units using no more than 1.6 amps and/or 4.0 cubic feet may be used. Microwaves are not permitted unless part of a microfridge unit. During holiday and spring vacations they must be emptied and left unplugged by the student. There is no storage for refrigerators over the summer. Air conditioning units are not permitted. Residence Life staff may conduct safety inspections during the semester and breaks.

APPENDIX A

Discrimination and Harassment Policy

APPENDIX

PROCEDURES FOR ADDRESSING TITLE IX COMPLAINTS AGAINST STUDENTS

The dean of students/deputy title IX coordinator (deputy coordinator), in coordination with the College's Title IX coordinator, is responsible for the oversight of investigations of gender-based misconduct complaints where the respondent is a student or student group.

PRELIMINARY INVESTIGATION

When made aware of a potential violation of the College's gender-based misconduct policy (Policy), the deputy coordinator or his/her designee, will open and conduct a preliminary investigation. The preliminary investigation will be conducted as soon as possible and within ten (10) business days from the time of initial report. This time period may be shorter or longer depending on the circumstances, including the availability of witnesses and preliminary evidence.

The preliminary investigation will consist of the deputy coordinator or his/her designee working to determine the identity and contact information of the complainant, identifying what, if any, portion(s) of the Policy were allegedly violated, meeting the complainant, if feasible, to inquire about and finalize the complaint, and determining if there is cause to proceed with a formal investigation.

If the deputy coordinator determines that there is no reasonable cause to pursue a complaint (ex. If the information received does not present any potential violation of the Policy, or if it is so vague or incomplete that no further investigation is possible), the matter will be closed with no further action and that decision will be communicated to the reporting party as appropriate.

FORMAL INVESTIGATION

If the deputy coordinator determines that there is reasonable cause to pursue the complaint, a formal investigation will be initiated. The formal investigation under this Policy will be conducted as promptly and equitably as possible without compromising thoroughness. Absent extenuating circumstances, the College's investigation and resolution process for gender-misconduct misconduct complaints will be completed within sixty (60) calendar days from the time of reporting (not including the appeal process). This time period may be shorter or longer depending on the circumstances including, but not limited to, the complexity of the case and the availability and number of witnesses. Should this process last longer than 60 calendar days, the deputy coordinator will communicate the reasons and expected timelines for completion to all parties.

At the initiation of the formal investigation, the deputy coordinator or his/her designee will: 1) notify the respondent and complainant of the investigation and provide an explanation of the investigation process; 2) provide the respondent and complainant with a written notice of the charges, identifying the specific portion(s) of the Policy alleged to have been violated; and 3) appoint a trained team of investigators (two person team) to lead the investigation. Concerns relating to any potential bias or conflict of interest of the appointed investigator(s) should be promptly addressed to the deputy coordinator who shall have sole discretion to remove or reappoint investigator(s) as necessary.

At reasonable intervals throughout the investigation, the deputy coordinator will maintain communication with the complainant and the respondent regarding the status of the investigation and overall process.

The appointed investigators will: 1) commence a thorough and impartial investigation by developing an investigation plan, including a witness list, intended investigation timeframe, and order of interviews for all witnesses and the respondent; 2) provide regular updates on the investigation to the deputy coordinator; and, 3) determine whether or not one or more specific portions of the Policy were violated based on the preponderance of evidence. Under this standard, the respondent is presumed not to have violated the Policy unless a preponderance of the evidence supports a finding that a violation occurred. A preponderance of the evidence indicates that it is more likely than not that the identified portion of the Policy was violated by the respondent.

Investigations shall proceed generally as follows:

- 1) The investigators will conduct interviews with the complainant, respondent and any witnesses deemed appropriate by the investigators
- 2) All parties will be asked to provide names of relevant witnesses. The investigators will, in their sole discretion, determine which witnesses to interview. Witnesses are typically limited to people with first-hand knowledge of the events being reviewed. Character witnesses and/or statements are not permitted.
- 3) All interviewed parties will be asked to submit relevant documentary evidence (ex. photographs, video recordings, text messages, reports, phone records, etc) to the investigators. The investigators will gather and review available documents, materials, or other identified evidence relevant to the investigation. The investigators, in consultation with the deputy coordinator, will use their discretion about what evidence and information will be included in the case file. Redactions may be made as deemed necessary at the sole discretion of the investigators.
- 4) After each interview, the investigators will provide the interviewed party with a written interview summary. The interviewed party will be afforded a reasonable opportunity to review the summary to confirm its accuracy or to provide written clarifications, comments, and/or corrections. The investigators shall review any written clarifications or comments that are submitted and incorporate those deemed relevant and appropriate into the interview summary. Comments that conflict significantly with information previously submitted by the interviewed party will be noted.
- 5) During the investigation, the investigators will afford the complainant and respondent an opportunity to respond to information provided by other parties, including witnesses. This information will typically be shared verbally during the interview. Either party may also request an opportunity to review the written summaries and/or documentary information. Such request will be granted if and when deemed appropriate at the sole discretion of the investigators.
- 6) At the conclusion of the investigation but before any determinations are made by the investigators, the investigators will schedule separate meetings with the complainant and respondent to review the information included in the case file (including all written interview summaries and documentary evidence deemed relevant by the investigators). The complainant and respondent will have the opportunity to provide corrections, clarifications, comments, new relevant information or documentation, and/or suggest new witnesses who possess material information.
 - a. The complainant and respondent will be given two (2) business days after their meeting to provide any additional documentation or written clarifications or comments. The investigators shall review any written clarifications or comments that are submitted and incorporate those

deemed relevant and appropriate to the case file. Comments that conflict significantly with information previously submitted by the interviewed party will be noted.

- 7) If the complainant and/or respondent identify additional relevant evidence, that evidence shall be gathered by the investigators to the extent reasonably possible and will also be included in the case file. Depending on the nature of the new evidence, it may be shared with the complainant and/or the respondent for comment.
- 8) The investigators will complete the case file to include all relevant information gathered during the investigation
- 9) The investigators will review the case file and author recommendations as to whether or not the respondent violated the Policy based on the preponderance of evidence standard
- 10) The investigators will send the case file and written recommendations to the deputy coordinator for review
- 11) The deputy coordinator will review the case file and written recommendations to ensure the following:
 - a. The investigation was thorough, reliable, and impartial
 - b. The recommendations were based on the evidence collected
 - c. The recommendations were based on the preponderance of evidence standard
- 12) If the deputy coordinator determines that any further steps are necessary to meet any of these requirements, the deputy coordinator will so inform the investigators. The investigators will take the necessary steps and return the case file to the deputy coordinator for second review.
- 13) Upon approval of the case file, as the decision-maker in this process, the deputy coordinator will meet separately with the complainant and the respondent to deliver the outcome. These meetings will be arranged as contemporaneously as possible. At the outcome meetings, the deputy coordinator will: 1) make the case file available to both parties for their review (necessary redactions may be made at the sole discretion of the deputy coordinator), and 2) explain the next steps in the process (appeal process and sanction process, if the outcome is responsible). In addition to sharing the outcomes with the parties, the deputy coordinator will also work directly with the Title IX coordinator to determine whether additional remedies are necessary for the complainant and/or community, if any, to address the incident

CONFLICT RESOLUTION OPTIONS

The deputy coordinator may offer conflict resolution options when appropriate based on the facts and circumstances and regardless of the outcome of the preliminary or formal investigation. Such conflict resolution may include mediation, restorative justice or other options and will only be used when both parties consent to the option. Either party may, at any time, end the conflict resolution process and proceed with a formal process. Mediation will not be used in cases involving sexual violence.

SANCTIONING GUIDELINES

The complainant and the respondent shall each have two (2) business days from the date of their outcome meeting to submit a written impact statement to the deputy coordinator. The written impact statement is intended to inform the deputy coordinator of relevant information in determining the appropriate sanction(s), including aggravating facts and circumstances that warrant leniency or enhanced sanctions.

Both the complainant and the respondent have the option to meet with the deputy coordinator to discuss potential sanctions either instead of or in addition to submitting a written impact statement. Such a meeting is not an opportunity to challenge or contest the outcome of the investigation.

The deputy coordinator will confer with the Title IX coordinator regarding potential sanctions. The deputy coordinator also reserves the right to meet with other relevant parties including but not limited to the investigators or witnesses, if the deputy coordinator believes doing so will assist in determining appropriate sanctions.

Before determining sanctions, the deputy coordinator will review the case file and investigators' conclusions, the respondent's prior disciplinary record, if one exists, and any impact statements submitted by either party.

The deputy coordinator has five (5) business days from the last meeting with a relevant party to issue a written decision letter, detailing outcomes of the process including sanctions if the respondent is found responsible for one or more of the charges, to both parties. Decision letters will be sent via email using the Maxient system.

All sanctions are enacted immediately, unless otherwise stated, regardless of status of an appeal

The College will require not either party to abide by a nondisclosure agreement, in writing or otherwise, that would prevent the re-disclosure of information related to the outcome of the proceedings.

SANCTION GUIDELINES

Any student found responsible for violating the Policy provisions on non-consensual sexual touching (where no penetration has occurred), sexual exploitation, sexual harassment, intimate partner violence or stalking will receive a sanction up to and including expulsion, depending on the severity of the incident and taking into account any prior disciplinary history. Recommended sanctions for violation of the Policy include but are not limited to: disciplinary probation, loss of privileges, relocation of residence, restriction from facilities or activities, temporary or permanent residence hall suspension, mandated assessment and/or counseling, educational project, withholding of degree, suspension and/or expulsion. The standard sanction for non-consensual sexual penetration is suspension or expulsion. The deputy coordinator, as the decision maker, reserves the right to broaden or lessen any range of recommended sanctions in the case of serious mitigating or aggravating circumstances. Neither the initial decision maker nor the appeal officer will deviate from the range of recommended sanctions unless compelling justification exists to do so.

APPEAL PROCESS

Both the respondent and the complainant have the opportunity to submit an appeal based on the outcome of the investigation and/or the sanction as set forth below.

Guiding principles of the appeal process:

- Appeals are confined to a review of the case file based on one more pertinent grounds for appeal described below. Appeals are not intended to re-hear the allegations or constitute a de novo review of the investigation.

- Absent clear and material error, appeal determinations are intended to be deferential to the original decision-maker. Findings should be revised by an appeal officer only when remanding for further investigation or granting a new investigation would be insufficient, impractical or unnecessary. Sanctions should be revised by the appeal officer only if there is a compelling justification to do so.
- An appeal must be submitted within three (3) business days after the decision letter is delivered to the student's Springfield College email account. An appeal may be made solely on the grounds of:
 - 1) Error in the charge and/or investigation or sanctioning process that materially affected the outcome
 - 2) New information that could not have been discovered prior to the investigation or sanctions meeting through the exercise of reasonable diligence and that would have materially affected the outcome. A summary of this new evidence and its potential impact must be included in the written appeal; or
 - 3) The sanctions imposed fall outside of the range of sanction guidelines and/or are grossly disproportionate to the violations committed.

The Vice President for Student Affairs or his/her designee shall act as the appeal officer. The appeal must be made in writing to the appeal officer and must clearly and succinctly outline and explain how the specific grounds above have been met. The party submitting the appeal has the burden of demonstrating how the above grounds have been met.

When one party submits an appeal, a copy of the appeal will be provided to the other party by the appeal officer. The other party will have an opportunity to submit a written statement to the appeal officer within three (3) business days to be considered with the original appeal. The written statement shall be limited to a response to the content of the original appeal.

After reviewing the written appeal(s), written statements and associated case file, the appeal officer will take one of the following actions:

- 1) Reject the appeal as untimely or improper based on the grounds articulated above
- 2) Uphold the original decision and/or sanction(s)
- 3) Grant the appeal and:
 - a. Return the case with specific instructions to the deputy coordinator for further consideration
 - b. Modify the sanctions by reducing or enhancing the sanction(s). A rationale will be provided by the appeal officer if a sanction is modified.

NOTICE OF RIGHTS

The complainant and the respondent will receive simultaneous written notification of the appeal officer's decision regarding the appeal via their Springfield College email accounts. Except where the case is returned to the deputy coordinator for further consideration, the decision of the appeal officer is final and not subject to further review.

Rights of the Complainant

The complainant has a number of rights under this Policy and with respect to a resolution of a complaint. If the College initiates an investigation, the complainant will retain the rights below. They include both those outlined above and the following:

- The right to an investigation and appropriate resolution of all credible complaints of gender-based misconduct made in good faith to the College;
- The right to be treated with respect by College employees throughout the process;
The right to have one (1) adviser of their choice support them in this process in accordance with the Policy;
- The right to be notified of available counseling, mental and physical health services, on and off-campus;
- The right to be informed of and to report the incident to off-campus authorities and/or law enforcement and to be assisted by College employees in doing so;
- The right to be provided with a written explanation of rights and options with respect to the matter;
- The right to have the investigation and resolution process fully explained;
- The right receive written notice of all allegations for which the respondent is charged;
- The right to be notified of possible sanctions that may result if the respondent is found responsible of violating the policy(ies) in question;
- The right to an outcome based on information the decision-maker finds credible, relevant and convincing by a preponderance of the evidence (i.e., it is more likely than not that a policy violation occurred);
- The right to appeal the outcome of the investigation and/or sanction, in accordance with the appeal guidelines established in this Policy;
- The right to privacy, and the assurance that information regarding the complaint will be shared only with those necessary and in accordance with applicable law.

Rights of the Respondent

The respondent has a number of rights under this policy and with respect to a resolution of a complaint. They include both those outlined above and the following:

- The right to an investigation and appropriate resolution of all credible complaints of gender-based misconduct made in good faith to the College;
- The right to be treated with respect by College employees throughout the process;
- The right to have one (1) adviser of their choice support them in this process in accordance with the Policy;
- The right to be notified of available counseling, mental and physical health services, on and off-campus;
- The right to be provided with a written explanation of rights and options with respect to the matter;
- The right to have the investigation and resolution process fully explained;
- The right to receive written notice of all charges;
- The right to be notified of possible sanctions that may result if found responsible for violating the policy(ies) in question;
- The right to an outcome based on information the decision-maker finds credible, relevant and convincing by a preponderance of the evidence (i.e., it is more likely than not that a policy violation occurred);
- The right to appeal the outcome of the investigation and/or sanction , in accordance with the appeal guidelines established in this Policy;
- The right to privacy, and the assurance that information regarding the complaint will be shared only with those necessary and in accordance with applicable law.

OTHER PROVISIONS

ADVISERS

Advisers serve as a support person for the parties during the process, including investigative meetings, meetings with the deputy coordinator and sanction meetings. The adviser's name and relationship to a party (e.g., student, faculty member, family member, attorney, etc.) must be disclosed to the deputy coordinator prior to the meeting for which they will serve as the adviser. Students who are witnesses to the incident or are otherwise involved in the matter may not typically serve as advisers. Advisers are not permitted to advocate for a student or speak on their behalf during any of the aforementioned meetings. The adviser's role shall be to quietly and unobtrusively advise his/her advisee in whispers or by written note. The College reserves the right to remove an adviser from any meeting should these expectations and guidelines be violated. Meetings are not generally delayed or rescheduled due to an adviser's schedule or availability. The deputy coordinator will consider requests made to delay or reschedule a meeting and will make the final determination at his/her sole discretion. The College reserves the right to have its legal counsel present during any meeting.

AMNESTY FOR MINOR VIOLATIONS

The College will extend amnesty for minor violations of policy, including but not limited to the possession and/or consumption of drugs or alcohol, when the violation is related to a report of gender-based misconduct. The seriousness of gender-based misconduct is a major concern for the College and the College does not want any circumstances (e.g., drug or alcohol use) to inhibit the reporting of gender-based misconduct or cooperation with an investigation. When amnesty is granted for minor violations of policy, the College may refer students to resources such as alcohol and/or drug education, but there will be no disciplinary record or sanction regarding the violation for which amnesty was granted. The deputy coordinator will determine what policy violations will be considered "minor" and therefore eligible for amnesty in this context. Amnesty for minor policy violations may be extended to all parties involved in the case, including but not limited to, the complainant, the respondent and witnesses.

ATTENDANCE EXPECTATIONS

To enable the most accurate and fair review of the facts, the respondent is expected to attend and participate in meetings during the course of an investigation under this Policy. If an individual chooses not to attend one or more meetings, the charges will be reviewed on the basis of the information and evidence available, and a decision will be made. Although no inference may be drawn against a student for failing to attend a meeting or remaining silent, the process will proceed and the conclusion will be based on the evidence presented. No decision shall be based solely on the failure of the respondent to attend one or more meetings, to participate in such meeting(s), or to answer the charges.

EFFECT OF CRIMINAL PROCEEDINGS

Because the standards for determining a violation of criminal law are different from the standards for determining a violation of this Policy, criminal investigations, reports, or outcomes are not determinative of whether gender-based misconduct has occurred for purposes of this Policy. In other words, conduct may

constitute gender-based misconduct under this Policy even if there is insufficient evidence of a crime or if law enforcement agencies decline to prosecute. The filing of a complaint of gender-based misconduct under this Policy is independent of any criminal investigation or proceeding, and the College will not await the conclusion of any criminal investigation or proceedings to: (i) commence its own investigation; (ii) take interim measures to protect the complainant and the College community, if necessary; and/or (iii) implement disciplinary proceedings without regard to any pending criminal proceedings.

FALSE COMPLAINT/FALSE INFORMATION

The College will not tolerate false reporting and reserves the right to discipline members of the College community who knowingly bring false complaints of gender-based misconduct or provide false information during an investigation or hearing. No complaint will be considered "false" solely because it cannot be corroborated. If a complainant and/or a respondent is determined to have provided false information during the investigation or sanctioning process, the complainant and/or the respondent may be charged with "false information and misrepresentation" and/or the false information may be considered an aggravating circumstance during the sanctioning phase and/or may be utilized to pursue other discipline.

HISTORY OF THE PRINCIPLE PARTIES

Sexual History

Neither the past sexual history nor sexual character of either party will be considered in the investigation or any other proceeding unless such information is determined by the deputy coordinator to be specifically and directly relevant to a pending charge.

Disciplinary History/History of Previous Complaints:

Previous disciplinary history or previously filed complaints may be considered in the course of the investigation only if: 1. the facts related to the previous disciplinary history or complaints are substantially similar to the facts related to the present charge(s); 2. the information indicates a pattern of behavior and substantial conformity with that pattern by the respondent; or 3. there are other reasons deemed by the deputy coordinator to be specifically and directly relevant to the present charge(s). If any previous disciplinary history or complaints are considered in the course of the investigation, the relevant party will be notified of such and will be permitted to review the information that is to be considered.