

SEX DISCRIMINATION, SEX-BASED
HARASSMENT, AND RETALIATION
POLICY AND PROCEDURES

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I. POLICY STATEMENT

Providence College (PC or College) is committed to maintaining an environment in which all students, staff, and faculty are treated with dignity and respect, as created in the image and likeness of God. Sex discrimination, sex-based harassment, and retaliation, in all forms, violates the sanctity of the human body, mind, and spirit and will not be tolerated within our community. Indeed, sex discrimination, sex-based harassment, and retaliation are some of the most serious violations of the College's standards of conduct and some forms of sex discrimination, sex-based harassment, and retaliation also are violations of criminal law. This Policy prohibits all forms of "sex discrimination" a broad category of behavior which includes sex-based harassment and retaliation and is more specifically defined in the definitions *Section XI. Prohibited Conduct*.

Providence College does not discriminate on the basis of sex in its educational programs and activities. This Policy is designed to comply with Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681 et seq., which prohibits discrimination on the basis of sex in educational programs and activities, and relevant sections of the Violence Against Women Reauthorization Act, as amended; it also addresses sexual misconduct not covered by Title IX. This Policy is overseen by the Office of Equity Compliance.

A. POLICY SCOPE

This Policy is only applicable to alleged incidents that occur on or after August 1, 2024. For alleged incidents of sex discrimination or sex-based harassment occurring prior to August 1, 2024, the policy and procedures in place at the time of the alleged incident apply. Applicable versions of those policies and procedures are available from the Director of Title IX Compliance, hereinafter referred to as Title IX Coordinator, and online [here](#).

This Policy applies to all employees, students, third party contractors, and other individuals participating in or attempting to participate in the College's program or activities, including education and employment.

B. JURISDICTION

This Policy applies to the College's education programs, activities, and circumstances where the College has disciplinary authority, and to misconduct occurring within any building owned or controlled by a college-recognized student organization. A Complainant does not have to be a member of the Providence College community to file a Complaint.

This Policy may also apply where the College does not have disciplinary authority but the effects of misconduct limit or deny a person's access to the College's education program or activities. Providence College may also extend jurisdiction to off-campus and/or to online conduct when the conduct affects a substantial College interest. A substantial College interest includes but is not limited to:

- Any action that constitutes a criminal offense as defined by law.

- Any situation in which it is determined that the Respondent poses an imminent and serious threat to the health or safety of any student, employee, or other individual.
- Any situation that significantly infringes upon the rights, property, or achievements of others, or significantly breaches the peace.
- Any situation that substantially interferes with the College's educational interests or mission.

For disciplinary action to be issued under this Policy, the Respondent must be a member of the College, student and/or employee, at the time of the alleged incident. Disciplinary action, up to and including suspension and dismissal, may be taken whether or not criminal charges are filed and without regard to whether the conduct occurred on- or off-campus. If the Respondent is unknown or is not a member of the Providence College community, the Title IX Coordinator will offer to assist the Complainant in identifying appropriate College and local resources and will implement appropriate supportive measures.

All vendors serving Providence College through third-party contracts are subject to the policies and procedures of their employers and to these policies and procedures to which their employer has agreed to be bound by their contracts.

When the Respondent is not a member of the College community (third party), the College's ability to take appropriate corrective action will be determined by the nature of the relationship of that third party with the College. The Title IX Coordinator will determine the appropriate action to take consistent with this Policy and with legal mandates and federal guidance. If the Respondent is enrolled in or employed by another institution, the Title IX Coordinator can assist the Complainant in contacting the appropriate individual at that institution, as it may be possible to pursue action under that institution's policies.

Similarly, the Title IX Coordinator may be able to assist and support a student or employee Complainant who experiences sex discrimination or sex-based harassment in an externship, study abroad program, or other environment external to the College where sexual harassment or nondiscrimination policies and procedures of the facilitating or host organization may give the Complainant recourse. If there are effects of that external conduct that impact a student or employee's work or educational environment, those effects can often be addressed remedially by the Title IX Coordinator if brought to their attention.

All students and employees are responsible for being familiar with and abiding by the Policy's standards of conduct. Persons who believe they have been subjected to sex discrimination, sex-based harassment, or retaliation are encouraged to report the incident to the Title IX Coordinator so that the College can respond in an equitable and reasonably prompt manner in accordance with this Policy.

II. NOTICE OF NON-DISCRIMINATION

Providence College admits students of any race, color, national and ethnic origin, sex, gender, sexual orientation, gender identity, religion, disability, age, or veteran status, and without regard to genetic information, to all the rights, privileges, programs, and activities generally accorded or made available to

students at the College. It does not discriminate on the basis of race, color, national and ethnic origin, sex, gender, sexual orientation, gender identity, religion, disability, age, veteran status, genetic information, or any other applicable legally protected basis, in the administration of its education policies, admission policies, scholarship and loan programs, athletic and other College-administered programs, and employment policies. In accordance with Title IX, it does not discriminate on the basis of sex and prohibits sex discrimination in its educational programs or activities. Nothing in this Notice shall require Providence College to act in a manner contrary to its Dominican mission and the teaching and tenets of the Catholic Church, and the College reserves the right to take actions designed to ensure and promote its Catholic and Dominican mission.

The College's Notice of Non-Discrimination, including contact information for inquiries is available [here](#).

III. REPORTING

Providence College has appointed a Title IX Coordinator to coordinate the College's compliance with federal, state, and local sex discrimination laws and ordinances:

For sex discrimination, sex-based harassment, and retaliation allegations:

Simone Tubman, J.D.

Interim Title IX Coordinator

Assistant Vice President of Institutional Diversity, Equity Compliance, and Title VI

Harkins 312

(401) 865-1912

(401)-865-2878

titleix@providence.edu

stubman@providence.edu

Deputy Title IX Coordinator (Employees)

Wendy McRae-Owoeye, Director of Professional Development and Learning/HR Investigations

Direct: (401) 865-2807

Office: Harkins Hall 302

wmcraeow@providence.edu

Deputy Title IX Coordinator (Athletics)

Jill LaPoint, Senior Associate Vice President and Deputy Athletic Director

Direct: (401) 865-2588

Office: Alumni Hall

jlapoint@providence.edu

Deputy Title IX Coordinator (Students)

Beth Sculley, Assistant Dean of Students

Direct: (401) 865-2605

Office: Slavin 201

bsculley@providence.edu

Deputy Title IX Coordinator (Institutional Diversity)
Perla Castillo Calderon, Director of the Center at Moore Hall
Direct: 401-865-1018
Office: Moore Hall
Pcastill@providence.edu

The Title IX Coordinator is responsible for providing comprehensive sex discrimination education and training; coordinating the College's timely, thorough, and fair response, investigation, and resolution of all alleged prohibited conduct under this Policy; and monitoring the effectiveness of this Policy and related procedures to ensure an education and employment environment free from sex discrimination, sex-based harassment, and retaliation.

Providence College recognizes that allegations under this Policy may include multiple forms of sex discrimination and sex-based harassment, as well as violations of other College policies; may involve various combinations of students, employees, and other members of the College community; and may require the simultaneous attention of multiple College departments. Accordingly, all Providence College departments will share information, combine efforts, and otherwise collaborate, to the maximum extent permitted by law and consistent with other applicable College policies, to provide uniform, consistent, efficient, and effective responses to alleged sex discrimination, sex-based harassment, or retaliation.

There is no time limit for filing a report with the College; however, the more time that passes between the incident and the report, the more difficult it may be to thoroughly investigate the report because witnesses may not be available, memories may have faded, respondents may no longer be affiliated with the College, and/or other key information is no longer obtainable.

Acting on Complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of Policy) is at the Title IX Coordinator's discretion. The Title IX Coordinator may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal resolution, as appropriate.

Anyone may file a complaint externally from the College. To file a report with the Providence Police department, please see *Section III. Reporting, subsection F. Reporting to the Police*. Concerns about Providence College's application of this Policy and compliance with certain federal civil rights laws may also be addressed to:

Federal Office for Civil Rights:
5 Post Office Square
Boston, MA 02109-3921
(617) 289-0111; Fax (617) 289-0150
Email: OCR.Boston@ed.gov
Website: <http://www.ed.gov/ocr>

Any individual participating in the Title IX resolution process is still fully entitled to pursue separate legal action in civil court or report the matter to law enforcement for potential criminal charges, as the Title IX

process does not prevent someone from exercising their right to pursue other legal avenues related to the same allegations.

A. Mandated Reporters

All Providence College employees, other than those deemed Confidential Employees, are Mandated Reporters and are expected to promptly report all known details of actual or suspected sex discrimination, sex-based harassment, retaliation, and/or any conduct prohibited by this Policy to the Title IX Coordinator immediately, or at a minimum within 24 hours, although there are some limited exceptions.

Complainants may want to carefully consider whether they share personally identifiable details with Mandated Reporters, as those details must be shared with the Title IX Coordinator.

If a Complainant expects formal action in response to their allegations, reporting to any Mandated Reporter will result in a connection with resources to report alleged Policy violations, and these employees will immediately pass notice to the Title IX Coordinator who will act when an incident is reported to them.

Failure of a Mandated Reporter, as described above in this section, to report an incident of sex discrimination, sex-based harassment, or retaliation of which they become aware is a violation of College Policy and may result in disciplinary action for failure to report.

A Mandated Reporter who is themselves a target of discrimination, harassment, or other misconduct under this Policy is not required to report their own experience, though they are, of course, encouraged to do so.

The College strongly encourages anyone who has information regarding a possible violation of this Policy to report it to the Title IX Coordinator or the Office of Public Safety; generally, employees must report such information to the Title IX Coordinator.

B. Confidential Employees

To enable Complainants to access support and resources without filing a Complaint, the College has designated specific employees as Confidential Resources. Those designated by the College as Confidential Resources are not required to report actual or suspected sex discrimination, sex-based harassment, or retaliation in a way that identifies the Parties. They will, however, provide the Complainant with the Title IX Coordinator's contact information and offer options and resources without any obligation to inform an outside agency or Providence College official unless a Complainant has requested the information be shared. Additionally, they will provide de-identified data to the Clery Compliance Coordinator annually for the Annual Security and Fire Safety Report.

There are three categories of Confidential Employees: 1. Those with confidentiality bestowed by law or professional ethics, such as lawyers, medical professionals, clergy, and mental health counselors; 2. Those whom the College has specifically designated as Confidential Resources for purposes of providing support and resources to the parties; and 3. Those conducting human subjects research as part of a study approved by the College's Institutional Review Board (IRB).

For those in category 1., above, to be able to respect confidentiality, they must be in a confidential relationship with the person reporting, such that they are within the scope of their licensure, professional ethics, or confidential role at the time of receiving the Notice.

In rare circumstances, including but not limited to, reports involving minors, behavior that poses a direct threat to the student or others, and receipt of a subpoena in a criminal or civil case, can trigger an employee's duty to timely disclose confidential information about an incident, including the identity of the student involved, irrespective of the above categories.

If individuals disclose a situation through a public awareness event such as "Take Back the Night," candlelight vigils, protests, or other public events, the information provided will still trigger a report to the Title IX Coordinator, however, the College has no obligation to launch an investigation or resolution process. If determined that a risk of imminent or serious threat to the health or safety of an individual or to the campus community exists, the College may initiate a resolution process. The College may use the information students provide to inform the need for additional education and prevention efforts.

If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with the following Confidential Employees:

Confidential Employees

- Counselors in the Personal Counseling Center, acting within their professional capacity (for students).
- On-campus Student Health Center staff, acting within their professional capacity (for students).
- Pastoral counselors in the Chaplain's Office, acting within their professional capacity (for students and employees).
- The Employee Assistance Program (for employees).

Designated Confidential Resources

- On-campus Confidential Advocates
- Faculty Ombudsman (for faculty)

In addition, Complainants may wish to speak with a confidential resource not affiliated with the College. Individuals may disclose and/or receive confidential, trauma-informed counseling support from Day One: The Sexual Assault and Trauma Resource Center, Sojourner House and/or Blackstone Valley Advocacy Center. Conversations with staff at these confidential community resources will not be disclosed to Providence College, unless requested by the Party seeking assistance.

C. Anonymous Reporting Options

Any person, not serving in a capacity as a Mandated Reporter, may report sex discrimination, sex-based harassment, or retaliation (i.e., any of the behaviors defined in this Policy) that occurs on, near, or off-campus, or as part of the College educational program or activity, using the Silent Witness Form via the Web page of the Office of Public Safety (available here). Reporters may identify themselves or remain anonymous. When reporters who identify themselves request that

their identity be protected as part of any investigation, the College will make every reasonable effort to honor that request and to maintain the level of privacy requested. When reporters remain anonymous, the ability of the College to respond to the report, provide resources and support, or to pursue appropriate action against the Respondent may be negatively affected.

D. Federal Statistical Reporting Obligations

College officials with significant responsibility for student and campus activities are Campus Security Authorities (CSAs) who have a duty to report sexual offenses (as defined in this Policy) to the Office of Public Safety. CSAs include the following categories of employees: deans, student affairs professionals, student housing staff, athletic director/assistant directors, coaches, student activities coordinators, equity compliance staff, student judicial officers and faculty/staff advisors to student organizations.

Personally identifiable information is kept confidential (unless a Party agrees to release it); the type, date, time, and general location (on or near campus) of the incident is released for publication in the College's Annual Security and Fire Safety Report pursuant to the Jeanne Clery Act, as amended. The Annual Security and Fire Safety Report helps to provide the community with information about the nature and extent of campus crime and about promoting safety. Additionally, statistical crime data is reported to the federal government.

E. Federal Timely Warning Reporting Obligations

When the College receives a credible report of a crime constituting a sexual offense from a member of the campus community, or a local police department, that occurred on campus or on public property immediately adjacent to campus (as defined by the Clery Act), and the circumstances surrounding that report pose a serious or ongoing threat to the campus community, the College will issue a Timely Warning-Crime Alert to heighten safety awareness to aid in the prevention of similar crimes. Personally identifiable information about the alleged victim will not be released in the Timely Warning-Crime Alert.

F. Reporting to the Police

Individuals are encouraged (or required based on the circumstances) to report sex-based crimes, including sexual assault, intimate partner violence, and stalking, not only to the Title IX Coordinator and/or the Office of Public Safety, but also to law enforcement authorities. The decision to file a criminal complaint is a deeply personal choice. Individuals often make this decision based on the circumstances surrounding the incident and the circumstances in their life at the time of the incident. Some individuals discover that participating in a proceeding to hold the accused accountable helps them to regain some measure of control lost by virtue of the assault, and to protect themselves and others from future harm.

There are trained professionals on and off campus who can explain criminal proceedings and support students and employees through the process. The Office of Public Safety and/or a Confidential Advocate will assist anyone wishing to file a criminal complaint. Individuals do not need to file a criminal complaint in order to file a formal complaint of harassment or discrimination

with the College, and the College may find a Respondent responsible for violating this Policy regardless of the status or outcome of criminal proceedings, if any.

The Office of Public Safety can be reached 24 hours a day, 7 days a week at 401-865-2222.

IV. SUPPORTIVE MEASURES

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a formal complaint or when no formal complaint has been filed. Supportive measures are designed to restore or preserve equal access to the College's education program or activity without unreasonably burdening the other Party, including measures designed to protect the safety of all parties, the College's educational environment, or deter sex-based harassment.

Providence College will promptly offer and implement appropriate and reasonable supportive measures to the Parties upon notice of alleged sex discrimination, sex-based harassment, or retaliation. If a Complaint has not been filed, the College will inform the Complainant, in-writing, that they may file a Complaint at that time or in the future but are not required to do so. The Title IX Coordinator will work with the Parties to ensure that their wishes are considered with respect to any planned and implemented supportive measures. The College will act to ensure as minimal an academic/occupational impact on the Parties as possible and implement measures in a way that does not unreasonably burden any Party.

A disclosure of sex discrimination, sex-based harassment, or retaliation by a Party for the purpose of seeking supportive measures can be made to a confidential resource or to the Title IX Coordinator/Deputy Coordinator. The reporter does not have to file any type of complaint to speak with the Title IX Coordinator/Deputy Coordinator about the provision of supportive measures. Supportive measures may be effective on an interim, temporary, or long-term basis and may be modified as appropriate. The College will maintain the privacy of any supportive measures to the extent practicable.

Supportive measures available to students include, but are not limited to, medical and mental health services and referrals, academic accommodations (such as extensions of deadlines, schedule modifications, or other course-related adjustments), campus safety escort services, mutual restrictions on contact between the Parties (referred to as a "No-Contact Directive"), changes in work or housing locations, leaves of absence (with a referral to the Office of Financial Aid to address any impact on federal aid), increased security and monitoring of certain areas of campus, and other similar measures.

Supportive measures available to employees include, but are not limited to, reasonable workplace adjustments, referral to the Employee Assistance Program, and No Contact Directives.

Students and employees may use the Violence Against Women Act (VAWA) Visa and Immigration Resources for visa and immigration information as the College does not provide these legal services. (More information is available from the U.S. Citizenship and Immigration Services at uscis.gov).

The Parties are provided with a timely opportunity to seek modification or reversal of the College's decision to provide, deny, modify, or terminate supportive measures applicable to them. A request to do so should be made in writing to the Title IX Coordinator. An impartial employee other than the employee who implemented the supportive measures, who has authority to modify or reverse the decision, will determine

whether to provide, deny, modify, or terminate the supportive measures if they are inconsistent with the Title IX regulatory definition of supportive measures.

V. AMNESTY

Providence College encourages the reporting of misconduct and crimes by Complainants and Witnesses. Sometimes, Complainants or Witnesses are hesitant to give Notice to College officials or participate in resolution processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons. It is in the best interests of the College community that Complainants choose to give Notice of misconduct to College officials, that Witnesses come forward to share what they know, and that all Parties be forthcoming during the process.

To encourage reporting and participation in the process, Providence College offers Parties and Witnesses amnesty from minor policy violations, such as underage alcohol consumption or the use of illicit drugs, related to the incident. Granting amnesty is a discretionary decision made by the College, and amnesty does not apply to more serious allegations, such as physical abuse of another or illicit drug distribution.

While amnesty may safeguard the individual from disciplinary action related to the use or ingestion of alcohol or other drugs, it does not exempt the College from taking appropriate action to address the conduct and/or mitigate future violations.

VI. OTHER RECOMMENDED ACTIONS FOLLOWING AN INCIDENT

PC community members who experience sex discrimination, sex-based harassment, or retaliation have several options after an incident. For incidents of sexual assault, individuals are encouraged to seek medical attention immediately. Medical attention is critical so that any injuries (including internal injuries) or infections that may have resulted from the incident can be treated. Any hospital emergency room is able to care for the immediate needs of all victims of sexual assault, including women, men, and transgender individuals; however, whenever possible, victims are encouraged to go to a hospital with a Sexual Assault Nurse Examiner (SANE) Program.

SANE Programs have specially trained nurses who conduct examinations and collect and preserve evidence. In Rhode Island, Women & Infants Hospital has a SANE Program. Other RI hospitals may have SANE-trained nurses on staff or available to them. Individuals do not have to provide health insurance information to the hospital and the hospital cannot refuse treatment for lack of insurance. Individuals who do not want their insurance company to be billed should indicate to the hospital receptionist that they are “self-pay” and do not want to use insurance for the visit. There is no charge for sexual assault evidence collection (informally referred to as a “Rape Kit”).

Criminal charges are not required to have a SANE examination conducted; however, a medical exam will help to preserve evidence if charges are filed at some point. Individuals are advised to preserve and record evidence, as follows: do not wash anything (body, hair, clothing), comb hair, change clothes, douche, or use the toilet; bring an extra set of clothing to the hospital (or bring the clothing worn at the time of the incident to the hospital in a paper bag); and make notes to create a description of the assailant, when and

where the assault occurred, who may have witnessed the incident, a description and direction of travel of any vehicle involved, and any other known details.

In some circumstances, students and employees may need safety-related assistance. The Office of Public Safety and/or local police are available as needed. Residence Life staff are available 24/7 for students. After normal hours of operation, when the Personal Counseling Center and Chaplain's Office are closed, students may still reach confidential and non-confidential resources utilizing the contact information found in *Section XIII. Resource Contact Information*.

VII. DEFINITIONS OF KEY TERMS

1. Confidential Employee:

a. An employee whose communications are privileged or confidential under federal or state law and/or whom PC has designated as confidential under this Policy for the purpose of providing services to persons related to discrimination, harassment, retaliation, or other prohibited conduct. If the employee also has a duty not associated with providing those services, the employee's confidential status only applies with respect to information received while the employee is functioning within the scope of their duties to which privilege and/or confidentiality applies or only applies with respect to information received about discrimination, harassment, retaliation, or other prohibited conduct in connection with providing those services; or

b. An employee who is conducting an Institutional Review Board-approved human-subjects research study designed to gather information about discrimination, harassment, retaliation, or other prohibited conduct. The employee's confidential status only applies with respect to information received while conducting the study.

2. Collateral Misconduct: Potential violations of other College policies that occur in conjunction with alleged violations of this Policy, or that arise through the course of the investigation, for which it makes sense to provide one resolution for all allegations.

3. Complaint: An oral or written request to the College that can objectively be understood as a request for the College to investigate and make a determination about alleged sex discrimination, sex-based harassment, or retaliation under Title IX or its regulations and/or this Policy.

4. Day: A business day when PC is in normal operation. All references in the Policy to days refer to business days unless specifically noted as calendar days.

5. Education Program or Activity: Locations, events, or circumstances over which the College exercises substantial control over both the Respondent and the context in which the sex discrimination, sex-based harassment, or retaliation occurs.

6. Employee: An individual hired by the College to perform assigned duties. If there is a question as to the predominant category of either or both parties (e.g. student or employee), the Title IX Coordinator will determine the applicable classification, and which procedures apply based on the facts and circumstances.

7. Hearing: A hearing is a live proceeding in the Formal Resolution Process wherein the Decision-maker(s) review evidence, determine relevance, ask questions, and make the determination of whether a Respondent violated using the preponderance of evidence standard of proof.

8. Knowledge: When the College receives Notice of conduct that reasonably may constitute sex discrimination, sex-based harassment, or retaliation in its Education Program or Activity.

9. Member of the College Community or Applicant to become a member: A person who is a student or employee applicant, or a current student or employee. A person's status in the situation shall be determined by the Title IX Coordinator.

10. Notice: When an employee, student, or third Party informs the Title IX Coordinator of the alleged occurrence of sex discrimination, sex-based harassment, or retaliation.

11. Pregnancy or Related Condition: Pregnancy, childbirth, termination of pregnancy, or lactation, medical conditions related thereto, or recovery therefrom.

12. Relevant Evidence: Evidence that may aid a Decision-maker in determining whether the alleged sex discrimination, sex-based harassment, retaliation, or other prohibited conduct occurred, or in determining the credibility of the Parties or witnesses.

13. Remedies: Typically, post-resolution actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore or preserve equal access to the College's Education Program and/or Activity.

14. Reporter: Any person who notifies the Title IX Coordinator of a suspected violation of this Policy.

15. Resolution Process: The investigation and resolution of allegations of prohibited conduct under this Policy, including Formal and Informal Resolution.

16. Sanction: A consequence imposed on a Respondent who is found Responsible in violation of this Policy.

17. Student: Any person who has gained admission to Providence College, who pays an acceptance fee, registers, or takes a course, whether or not for credit, either on a full-time or part-time basis, at the College. Persons approved to study in a domestic or foreign program, are students. For purposes of this Policy, the following persons are students: persons registered for courses but who withdraw after allegedly violating this Policy; persons who are not officially enrolled for a particular term/semester but have a continuing relationship with the College; and persons who have been accepted to the College and are participants in new/transfer student orientation. If there is a question as to the predominant category of the Parties, the Title IX Coordinator will determine which procedures apply based on the facts and circumstances.

VIII. ROLES WITHIN A RESOLUTION PROCESS

1. Advisor- Any person chosen by a Party or appointed by PC, who may accompany the Party to all meetings related to the Resolution Process and advise the Party on that process.

2. Appeal Decision-maker- The person who accepts or rejects a submitted appeal request, determines whether any of the appeal grounds are met, and directs responsive action(s) accordingly. They may grant,

deny, remand for further investigation, or modify the initial determination. An Appeal Decision-maker may also review and make a decision on an Appeal of a Dismissal of a Complaint.

3. Complainant-

a. A person (or student club, organization, team or group) who is alleged to have been subjected to conduct that could constitute sex discrimination, sex-based harassment, or retaliation under Title IX or its regulations;

b. A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination, sex-based harassment, or retaliation under Title IX or its regulations and who was participating or attempting to participate in the College's education program or activity at the time of the alleged sex discrimination; or

c. A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX, its regulations, or this Policy.

4. Decision Maker(s)- The person(s) who reviews evidence, determines relevance, asks questions at the Hearing, and makes the determination of whether Policy has been violated. The decision-maker(s) objectively evaluates relevant information and reaches a conclusion based on the preponderance of evidence standard of proof. The Decision-maker provides the determination and rationale to the Hearing Coordinator who disperses the outcome.

5. Hearing Coordinator(s)- The person(s) who coordinates all aspects of the Hearing. This role conducts pre-hearing meetings, collects Witness lists and questions requested to be asked by the Parties, provides the outcome letter, and coordinates the logistics of the Hearing.

6. Investigator- The person assigned to gather evidence, conduct interviews, and draft an investigative report that is used during the live Hearing and decision-making process.

7. Parties- The Complainant(s) and Respondent(s), collectively.

8. Respondent- A person (or student club, organization, team, or group) who is alleged to have violated College's Policy.

9. Sanctioning Administrator(s)- The administrator(s) responsible for assigning sanctions and remedial measures in the case of a finding of responsibility. Depending on the Party involved, the Sanctioning Administrator(s) may be the Director of Community Standards (students), the Sr. Associate Vice President for Human Resources and the applicable Division Head (employees), or designee. This individual may also serve as the Hearing Coordinator.

10. Title IX Coordinator- The official designated by Providence College to ensure ultimate oversight of compliance with Title IX and the College's Title IX program. References to the Title IX Coordinator throughout this Policy may also encompass a designee of the Title IX Coordinator, such as the Deputy Title IX Coordinator. The Coordinator manages the College's response to complaints. The Coordinator is responsible for coordinating the implementation of respective supportive measures and the implementation of respective resolution processes for all parties involved. The Coordinator reserves the right in his/her sole discretion and in accordance with legal mandates, to amend procedures as necessary to ensure an equitable process, and/or to protect the integrity of the process.

11. Witness- A person identified by a Party or individual serving in an official capacity within the Resolution Process who may have first-hand knowledge or information related to the Complaint that is being investigated.

IX. STANDARD OF PROOF

The standard of proof in the College's grievance resolution proceedings, including its Title IX proceedings, is the preponderance of evidence standard, which requires proving that it is more likely than not that reported sexual misconduct occurred, or that an appeal has merit.

X. CONSENT

A. Consent: is demonstrated through mutually understandable words and/or actions that indicate a willingness to engage in specific sexual activity.

- a. Consent must be knowing and voluntary (freely given).
- b. To give consent, a person must be awake, of legal age (16 in Rhode Island), and have the capacity to reasonably understand the nature of her/his actions.
- c. A person may not use physical force, verbal threats, intimidation, or coercion as a method for obtaining consent.
- d. Prior consent does not imply current or future consent, even in the context of a relationship.
- e. Consent may be withdrawn by either person at any time, and once withdrawal of consent is expressed, the sexual activity must stop.
- f. A person who is physically or mentally incapacitated cannot give consent.

B. Incapacitation: means being in a state where a person lacks the capacity to appreciate the fact that the situation is sexual or cannot appreciate (rationally and reasonably) the nature and/or extent of the situation.

- a. Incapacity can be found based on someone's physical or mental status, based on developmental disability, or based on alcohol or drug use.
- b. A person who knows or should reasonably have known that another person is incapacitated may not engage in sexual activity with that person.
- c. A person's state of incapacity is a subjective determination that is based on all the facts available because persons reach incapacitation at different points and as a result of different stimuli.

Administering any substance to another person, without their knowledge, for the purpose of inducing incapacity is a violation of this Policy. Use of alcohol or other drugs does not, in and of itself, negate a person's ability to give consent. Alcohol-related incapacity results from a level of alcohol consumption that is more severe than being under the influence, impairment, intoxication, inebriation, or drunkenness. Common and obvious warning signs of possible incapacitation include consistently slurred or incomprehensible speech, unsteady gait, vomiting, unconsciousness, impaired motor skills, or incontinence. A person who is not incapacitated at the beginning of sexual activity, may, by virtue of alcohol or drug ingestion prior to or during the activity, reach a state of incapacitation as the activity continues and progresses. Persons who are sleeping or completely passed out are incapacitated.

Factors that can influence a person's state include body composition; tolerance for alcohol and other drugs; amount and type of alcohol or other drugs consumed, and the mixture taken; amount of food intake prior to consumption; genetics; and propensity for blacking out.

A memory lapse regarding an incident is not conclusive evidence of incapacitation. Alcohol-induced memory lapses, sometimes called "blackouts," are common. Such memory lapses, or blackouts, do not involve a loss of consciousness. An individual who is unable to form long-term memories of the incident has experienced a memory lapse; that individual may have been able to walk and talk and consent to sexual activity at the time of the incident.

When there is a determination of incapacitation, two additional questions are relevant: First, did the person initiating sexual activity know that the other Party was incapacitated? If the answer to the first question is "No," ask: "Should a sober, reasonable person in the same situation have known that the other Party was incapacitated?" If the answer to either question is "Yes," consent was absent, and the conduct may be a violation of this Policy.

XI. PROHIBITED CONDUCT

- 1. Sex Discrimination:** Is different treatment with respect to a person's employment or participation in an education program or activity based, in whole or in part, upon the person's actual or perceived sex. This includes discrimination based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. Discrimination can take two primary forms:

A. Disparate Treatment Discrimination: Any intentional differential treatment of a person or persons that is based on a person's actual or perceived sex and that:

- Excludes a person from participation in;
- Denies a person benefits of; or
- Otherwise adversely affects a term or condition of a person's participation in the College's program or activity.

B. Disparate Impact Discrimination: Occurs when policies or practices that appear to be neutral unintentionally result in a disproportionate impact on the basis of sex that:

- Excludes a person from participation in;
- Denies a person benefits of; or
- Otherwise adversely affects a term or condition of a person's participation in the College's program or activity.

- 2. Sex-based Harassment:** A form of sex discrimination meaning sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that is:

A. Quid Pro Quo Harassment: An employee, agent, or other person authorized by the College to provide an aid, benefit, or service under the College's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct.

B. Hostile Environment Harassment: Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the College's education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that can include but is not limited to consideration of the following:

- a. The degree to which the conduct affected the Complainant's ability to access the College's education program or activity;
- b. The type, frequency, and duration of the conduct;
- c. The parties' ages and roles within the College's education program or activity, previous interactions, and other factors about each Party that may be relevant to evaluating the effects of the conduct;
- d. The location of the conduct and the context in which the conduct occurred; and
- e. Other sex-based harassment in the College's education program or activity.

Providence College reserves the right to address allegations of offensive conduct and/or harassment that may not rise to the level of prohibited conduct under this Policy. Addressing such conduct will not result in the imposition of discipline under this Policy but may be addressed through other educational or conduct processes.

3. **Sexual Assault:** Means any sexual act, directed against another person, without the consent of the victim.

A. Rape (Except Statutory Rape): Rape is penetration, no matter how slight, of the vagina or anus of a person by any part of another person or by an object, or the mouth of a person by a sex organ of another person, without that person's consent.

B. Fondling: Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

C. Incest: Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Rhode Island law.

D. Statutory Rape: Nonforcible sexual intercourse with a person who is under Rhode Island's statutory age of consent (16 years old).

E. Sodomy: Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

F. Sexual Assault with An Object: To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because his/her temporary or permanent mental or physical incapacity.

4. **Dating Violence:** Means violence committed by a person:

- i. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- ii. The existence of such a relationship shall be determined based on consideration of the following factors:
 - The length of the relationship;
 - The type of relationship; and
 - The frequency of interaction between the persons involved in the relationship.

For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse and does not include acts covered under the definition of domestic violence.

5. Domestic Violence: Means felony or misdemeanor crimes committed by a person who:

- i. Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the College, or a person similarly situated to a spouse of the victim;
- ii. Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
- iii. Shares a child in common with the victim; or
- iv. Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of Rhode Island.

6. Stalking: Means engaging in a course of conduct directed at the Complainant, on the basis of sex, that would cause a reasonable person to:

- i. Fear for the person's safety or the safety of others; or
- ii. Suffer substantial emotional distress.

For the purposes of this definition:

- Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
- Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

7. Retaliation: An adverse action, including intimidation, threats, coercion, or discrimination against any person, by the College, a student, an employee or other person authorized by the College to provide aid, benefit, or service under the College's education program or activity, for the purpose of interfering with any right or privilege secured by law or Policy, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or Hearing under this Policy.

The exercise of rights protected under the First Amendment does not constitute retaliation. It is also not retaliation for the College to pursue Policy violations against those who make materially false statements, in bad faith, in the course of a resolution process under this Policy. However, the determination of responsibility, by itself, is not sufficient to conclude that any Party has made a materially false statement in bad faith.

Making a Materially False Statement includes providing or submitting false or misleading information in bad faith, with a motive to obtain personal advantage or to cause intentional harm to another person in connection with an incident of sexual misconduct. This provision does not apply to reports made or information provided in good faith, even if the facts claimed in the report are not ultimately substantiated. A determination regarding responsibility alone, is not sufficient to conclude that any Party violated this provision.

The College may compel a non-Party, i.e., a student witness or an employee witness, to participate in a resolution process by providing information to the College's Investigator and/or to a Decision-maker, and such action does not constitute retaliation.

- 8. Sexual Exploitation:** Is an attempted or committed nonconsensual act, which does not constitute Sex-based Harassment as defined above, taken by a person for sexual gratification, financial gain, or other advancement through the abuse or exploitation of another person's sexuality for their benefit or for the benefit of anyone other than the person being exploited. Examples include, but are not limited to: non-consensual observation or photographing of individuals who are undressing or engaging in sexual acts; non-consensual use of electronic or other devices to make an audio or video record of sexual activity; prostituting another person; allowing others to observe a personal, consensual sexual act without the prior knowledge and consent of all involved parties; and, knowingly exposing an individual to a sexually transmitted infection without his or her knowledge.
- 9. Complicity:** Means assisting, facilitating, or encouraging the commission of a violation of this Policy.
- 10. Making a Materially False Statement:** Means members of the College community are expected to provide truthful information in any report, meeting, or proceeding under this Policy. Providing or submitting false or misleading information in bad faith, with a motive to obtain personal advantage or to cause intentional harm to another person in connection with an incident of sexual misconduct, is prohibited, and the individual is subject to disciplinary sanctions under the relevant disciplinary system. This provision does not apply to reports made or information provided in good faith, even if the facts claimed in the report are not ultimately substantiated. A determination regarding responsibility alone, is not sufficient to conclude that any party violated this provision.

XII. CERTAIN CONSENSUAL RELATIONSHIPS PROHIBITED

A dating, romantic and/or sexual relationship between two people who both genuinely desire, and voluntarily begin and continue, the relationship is "consensual." A consensual dating, romantic, or sexual relationship between an employee and a student, or between a supervisor and a subordinate employee, however, can create actual or perceived conflicts of interest or bias, and can lead to abuses of power.

Employees (faculty and staff), therefore, are not permitted to have a consensual romantic and/or sexual relationship with any student (undergraduate, graduate, continuing education). Employees (including faculty, department chairpersons, managers, and supervisors) also are not permitted to have a consensual romantic and/or sexual relationship with employees who are in their line of supervision or authority.

Employees are expected to be aware of their professional responsibilities, to promote trustworthy relationships with colleagues and students, and to avoid apparent or actual conflicts of interest, favoritism, or bias. Consequently, if an employee is in a consensual romantic and/or sexual relationship with a person who subsequently becomes a student at the College, or if an existing student is in a consensual relationship with a person unaffiliated with the College who subsequently becomes an employee at the College, the employee is required to disclose the relationship in a timely manner to the Senior Associate Vice President for Human Resources and the Title IX Coordinator. These officials will determine what, if any, actions need to be taken to protect the integrity of the educational experience for the involved student and other affected students, and to preserve equal access to education programs or activities for the involved student and other affected students.

Similarly, if Employee A and Employee B, who are not in the same line of supervision or authority, enter a consensual relationship, and subsequently Employee A is given supervisory status or authority over Employee B, Employee A is required to disclose the consensual relationship in a timely manner to the two officials listed above. These officials will determine, what, if any, actions need to be taken to protect the integrity of the employment experience for Employee B and other affected employees. Employees who violate this Policy by neglecting their duty to disclose are subject to disciplinary action.

XIII. RESOURCE CONTACT INFORMATION

College Confidential Resources (as defined in this Policy):

- Personal Counseling Center: (401) 865-2343; After hours (401) 865-2343 - select option “2”
- Office of the Chaplain: (401) 865-2216; After hours (401) 865-1333
- Confidential Advocate: kendra.marasco@providence.edu; jgomes3@providence.edu
- Student Health Center: (401) 865-2422

Community Resources:

- Day One: The Sexual Assault & Trauma Resource Center - 1-800-494-8100 (24-hour helpline)
- Sojourner House (401) 765-3232 (24-hour helpline)
- Blackstone Valley Advocacy Center 1-800-494-8100 (24-hour helpline)
- Rhode Island Coalition Against Domestic Violence - 1-800-494-8100 (24-hour helpline)
- Women & Infants Hospital – (401) 274-1100 (General); 401-274-1750 (Emergency)
- Rhode Island Hospital – (401) 444-4000 (General); (401) 444-5411 (Emergency)

- Providence Police Department - Emergency: 911; General: (401) 272-312; Special Victims Unit: (401) 243-6331; Law Enforcement Advocate: (401) 243-6338
- New Directions Employee Assistance Plan – 1-800-624-5544; <https://eap.ndbh.com/> (login code: providencecollege)

Additional Non-confidential Campus Resources:

- Office of Public Safety – (401) 865-2222 (Emergency); (401) 865-2391; Public Safety Building
- Institutional Diversity, Equity, and Inclusion – (401) 865-2836; Harkins 312
- Office of the Dean of Students – (401) 865-1782; Slavin 102
- Office of Residence Life – (401) 865-2392; Slavin 105
- Residence Life On-Call – (401) 639-9110
- Office of Human Resources – (401) 865-2341; Harkins 302

XIV. PREVENTION AND AWARENESS PROGRAMS AND TRAINING

The College’s awareness and prevention programs, initiatives, and strategies are community-wide or audience-specific and are aimed at preventing violence, promoting safety, and reducing perpetration. Educational efforts focused on prevention, risk minimization, and bystander intervention include primary prevention and awareness programs for incoming students and new employees, and ongoing training and related education for students and employees.

All employees must undergo annual Title IX training, in compliance with federal law, specifically 34 C.F.R., part 106, §106.8(d).

XV. FEDERAL STATISTICAL REPORTING

Certain College officials (those deemed Campus Security Authorities) have a duty to report the following for federal statistical reporting purposes:

- All “primary crimes,” which include criminal homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, arson, and hate crimes, which can include any bias-motivated primary crime as well as any bias-motivated larceny or theft, simple assault, intimidation, or destruction of property.
- Violence Against Women Act (VAWA) crimes inclusive of sexual assault, domestic violence, dating violence, and stalking.
- Arrest and referrals for disciplinary action for weapons law violations, liquor law violations, and drug law violations.

All personally identifiable information is kept private, but statistical information regarding the type of incident and its general location (on or off-campus or in the surrounding area) must be shared with the Clery Coordinator for publication in the Annual Security and Fire Safety Report and the daily crime log. The

Annual Security and Fire Safety Report (available [here](#)) provides additional information about programming and training.

XVI. ROLE OF ADVISOR

Parties may each have one Advisor present with them for all meetings, interviews, and Hearings within the Resolution Process, including intake. Parties may select whomever they wish to serve as their Advisor (friend, mentor, family member, attorney, College employee, or any other individual) so long as the Advisor is eligible and available, but a person asked to serve as an Advisor may decline to serve.

A Party should select an Advisor whose schedule allows attendance at the scheduled date and time of the meeting or proceeding. Generally, lengthy or multiple delays will not be allowed due to persistent scheduling conflicts of an Advisor.

Knowledge of the Resolution Process is important to the Advisor's role; therefore, Advisors will be offered the opportunity to participate in a pre-Hearing meeting to discuss the College's process and rules of decorum.

Parties are permitted to change Advisors at any time during the process but are expected to promptly notify the Title IX Coordinator of the change and provide the new Advisor's contact information. Advisors are required to sign Non-Disclosure Agreements (NDA) prior to the start of the Resolution Process, before the College will share information with them. If a Party changes their Advisor, consent to share information with their previous Advisor is null and void and a release for the new Advisor must be submitted.

The College cannot guarantee equal advisory representation, meaning that if one Party selects an Advisor who is an attorney, but the other Party does not, or cannot afford an attorney, the College is not obligated to provide an attorney to advise that Party.

A. Advisor's Role in the Resolution Process

Advisors should help the Parties to prepare for each meeting and are expected to advise ethically, with integrity, and in good faith. Advisors may not provide testimony or speak on behalf of their Advisee unless given specific permission to do so.

The Parties are expected to ask and respond to questions on their own behalf throughout the Resolution Process. Although the Advisor generally may not speak on behalf of their Advisee, the Advisor may consult with their Advisee, either privately as needed, or by conferring or passing notes during any Resolution Process meeting or interview. For longer or more involved discussions, the Parties and their Advisors should ask for breaks to allow for private consultation. Advisors may ask for procedural clarifications before, during, or after any meeting or proceeding.

B. Records shared with Advisors

Advisors are expected to maintain the integrity of the resolution proceedings and are strictly prohibited from disclosing, all or in part, any records and related work-product, including but not limited to evidence that is shared or obtained through the resolution proceedings for any purpose not explicitly authorized by the College. Any alleged violation(s) of a Non-Disclosure Agreement

(NDA) should be reported to the Title IX Coordinator. The College may limit and/or prohibit the role of any Advisor who violates an NDA or fails to respect any confidentiality requirements. All information related to the Sex Discrimination, Sex-based Harassment and Retaliation Resolution Process will be provided directly to the Party, who will determine what is shared with their respective Advisor.

C. Advisor Expectations

The College expects Advisors to adjust their schedule to allow them to attend meetings, interviews, and hearings. The College may, at the Title IX Coordinator's discretion, change scheduled meetings, interviews, and hearings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay. The College may also make reasonable provisions to allow an Advisor who cannot be present in person to attend a meeting, interview, or hearing by telephone, video conference, or other similar technologies.

All Advisors are subject to the same College policies and procedures, whether they are attorneys or not, and whether they are selected by a Party or appointed by the College. Advisors are expected to advise without disrupting proceedings and the College reserves the right to remove from a meeting or proceeding any individual whose actions do not meet the College's expectations about decorum, including an Advisor.

D. Advisor Policy Violations

Any Advisor who oversteps their role as defined by the Policy, who shares information or evidence in a manner inconsistent with the Policy, or who refuses to comply with the College's established advisor expectations referenced above will be warned. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting, interview, or Hearing may be ended, or other appropriate measures implemented, including the College requiring the Party to use a different Advisor or providing a different College-appointed Advisor. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

XVII. RIGHTS OF THE PARTIES

Under this Policy and procedures, the Parties have the right:

1. To be treated with dignity and respect throughout the process.
2. To have the stated College procedures followed.
3. To have allegations of violations of this Policy responded to promptly and with sensitivity.
4. To be informed about reasonably available supportive measures and resources, including protective, residential, academic, and disability-related accommodations.
5. To receive timely written notice of alleged violations, including sufficient details known at the time, including but not limited to the identities of the parties involved, the conduct allegedly constituting sex discrimination or sex-based harassment, the potentially implicated policy sections, and the date and location of the alleged incident.

6. To challenge the appointment of any College personnel assigned to oversee a portion of this process, as outlined in the procedures, due to potential bias or conflict of interest.
7. To receive assistance from the Office of Public Safety to file a criminal report.
8. To the protection of one's privacy, with disclosures made on a need-to-know basis only or in accordance with legal requirements.
9. To confidentiality with respect to disclosures of, all or in part, records and related work-product, including but not limited to evidence that is shared or obtained through the resolution process for any purpose not explicitly authorized by the College.
10. To protection against retaliation for making a good-faith report or participating in any proceeding under this Policy.
11. To have an Advisor of one's own choosing and the opportunity to have the Advisor attend any meeting or proceeding in accordance with these procedures.
12. To receive written, advanced notice of meetings or proceedings at which the Party's presence is expected; said notice includes the date, time, location, and participants of all Hearings, investigative interviews, or other meetings, with sufficient time for the Party to prepare to participate.
13. To an equitable investigation and resolution of all credible allegations of prohibited sex discrimination, sex-based harassment, retaliation, and other prohibited conduct, when reported in good faith.
14. To utilize the standard "not responsible" until a determination is made at the end of the resolution process. The burden to determine responsibility falls on the College.
15. To use and apply the preponderance of the evidence standard to make a final determination.
16. To be informed that information gathered by the College may be subpoenaed in criminal or civil proceedings and/or may be shared with law enforcement authorities.
17. To present witnesses, any inculpatory and exculpatory evidence, inspect, review, and respond to any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint.
18. To access and review the draft Investigative Report for at least ten business days.
19. To refrain from providing incriminating statements during the investigation and/or any proceeding, knowing that the process will continue without unreasonable delay with the information available.
20. To receive a written determination regarding responsibility, associated sanctions if applicable, and the right to appeal the determination for specified grounds.

XVIII. RELATED POLICIES

- Family Educational Rights and Privacy Act (FERPA) Guidelines
- Notice of Non-Discrimination
- Anti-Harassment and Discrimination Policy
- Student Handbook

XIX. RESOLUTION PROCESS FOR ALLEGED VIOLATIONS OF THIS POLICY (Hereinafter the “Resolution Process”)

A. Overview

The College will act on any Notice, Complaint, or Knowledge of a potential violation of this Policy by applying the Resolution Process below.

The procedures below apply to all allegations on the basis of sex discrimination, sex-based harassment, and retaliation, involving students, employees, or third parties.

B. Notice/Complaint/Knowledge

Upon receipt of Notice, a Complaint, or Knowledge of an alleged Policy violation, the Title IX Coordinator will initiate a prompt initial evaluation to determine the College’s next steps. The Title IX Coordinator will contact the Complainant/source of the Notice to gather information, offer supportive measures, provide information regarding resolution options, and determine how the Complainant, if known, wishes to proceed.

C. Initial Evaluation and Intake Meeting

The Title IX Coordinator conducts an initial evaluation and intake meeting, typically within five (5) days of receiving Notice/Complaint/Knowledge of alleged misconduct. The Coordinator will promptly contact the Complainant to schedule an Intake Meeting. At this meeting, the Coordinator will discuss with the Complainant the availability of resources, supportive measures, and process options, including but not limited to informal resolution and the formal resolution process. The initial evaluation typically includes:

- Assessing whether the reported conduct may reasonably constitute a violation of the Policy.
 - If the conduct may not reasonably constitute a violation of the Policy, the matter is typically dismissed from this process, consistent with the dismissal provision in these procedures. It may then be referred to another process, if applicable.
- Determining whether the College has jurisdiction over the reported conduct, as defined in the Policy.
 - If the conduct is not within the College’s jurisdiction, the matter is typically dismissed from this process, consistent with the dismissal provision in these procedures. If applicable, the conduct will be referred to the appropriate office for resolution.

- Offering and coordinating supportive measures for the Complainant and Respondent, as applicable.
- Notifying the Complainant, or the person who reported the allegation(s), of the available resolution options, including resource and support options, the Informal Resolution option, or the Resolution Process described below.
- Determining whether the Complainant wishes to initiate a Complaint.
- Notifying the Respondent of the available resolution options, including resource and support options, the Informal Resolution option, or the Resolution Process described below, if the Complainant chooses to move forward with their Complaint.

D. Helping a Complainant to Understand Resolution Options

If the Complainant indicates they wish to initiate a Complaint, the Title IX Coordinator will help to facilitate the Complaint, which will include working with the Complainant to determine whether the Complainant wishes to pursue a resolution process, whether informal or formal. The Title IX Coordinator will seek to abide by the wishes of the Complainant but may have to take an alternative approach depending on their analysis of the situation.

- If the Complainant chooses the Formal Resolution Process, and the Title IX Coordinator has determined this Policy applies and that the College has jurisdiction, they will assign an Investigator whose information will be included within a Notice of Investigation and Allegation(s)(NOIA) to initiate an investigation consistent with the Formal Resolution Procedures.
- If any Party indicates, in writing, that they want to pursue an Informal Resolution option, the Title IX Coordinator will assess whether the matter is suitable for Informal Resolution and begin the process if deemed appropriate.
- If the Complainant indicates, in writing, that they do not want any action taken, no Resolution Process will be initiated (unless deemed necessary by the Title IX Coordinator), though the Complainant can elect to initiate one later, if desired.

If the Complainant requests anonymity (i.e., that no personally identifiable information be shared with the Respondent) and/or requests that no further action be taken, the College will seek to honor the request; however, anonymity cannot be promised, particularly when a Formal Complaint is filed, and an investigation is conducted.

E. Title IX Coordinator Authority to Initiate a Complaint

If the Complainant does not wish to file a Complaint, the Title IX Coordinator, who has ultimate discretion as to whether a Complaint is initiated, will offer supportive measures and determine whether to initiate a Complaint themselves. To make this determination, the Title IX Coordinator will evaluate the request to determine if there is a serious and imminent threat to someone's safety or if the College cannot ensure equal access without initiating a Complaint. The Title IX Coordinator will consider the following non-exhaustive factors to determine whether to file a Complaint:

- The Complainant's request not to initiate a Complaint.

- The Complainant’s reasonable safety concerns regarding initiating a Complaint.
- The risk that additional acts of sex discrimination would occur if a Complaint is not initiated.
- The severity of the alleged sex discrimination, including whether the discrimination, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence.
- The age and relationship of the Parties, including whether the Respondent is a Providence College employee.
- The scope of the alleged sex discrimination, including information suggesting a pattern, ongoing discrimination, or discrimination alleged to have impacted multiple individuals.
- The availability of evidence to assist a Decision-maker in determining whether sex discrimination occurred.
- Whether the College could end the alleged sex discrimination and prevent its recurrence without initiating its resolution process.

If deemed necessary, the Title IX Coordinator may consult with appropriate College employees, and/or conduct a violence risk assessment to aid their determination whether to initiate a Complaint.

When the Title IX Coordinator initiates a Complaint, they do not become the Complainant. The Complainant is the person who has allegedly experienced the conduct that could constitute a violation of this Policy; therefore, any Title IX Coordinator initiated Complaint will be opened “on behalf of.” (O/B/O) a named Complainant.

If, to address serious health or safety concerns related to an individual or the College community, the Title IX Coordinator determines that it cannot honor the Complainant’s request for no further action, the Title IX Coordinator will inform the Complainant that the College intends to file a Formal Complaint and investigate the matter to the extent possible, but that the Complainant is not required to participate in the investigation or in any other actions or proceedings the College pursues.

F. Dismissal

At any time during the investigation (or prior to the conclusion of a Hearing), the Title IX Coordinator may dismiss the formal complaint or any allegations in the complaint if: (1) the College is unable to identify the Respondent after taking reasonable steps to do so; (2) the Respondent is not participating in the College’s education program or activity and/or is not employed by the College; (3) the Complainant voluntarily submits, to the Title IX Coordinator, written confirmation of withdrawal of any or all allegations in the formal complaint and the Title IX Coordinator declines to initiate a complaint given that without the Complainant’s withdrawn allegations, the remaining allegations, if any, would not constitute sex discrimination; and/or (4) the alleged conduct, as submitted in the formal complaint, would not constitute sex discrimination.

An Appeal Decision-maker can recommend dismissal to the Title IX Coordinator if they believe the grounds are met. A Complainant who decides to withdraw a Complaint may later request to reinstate or refile it.

Upon any dismissal, the College will promptly send the Complainant written notification of the dismissal and the rationale for doing so. If the dismissal occurs after the Respondent has been made

aware of the allegations, the College will also notify the Respondent of the dismissal. This dismissal decision is appealable by any Party.

G. Appeal of Dismissal

The Complainant may appeal a dismissal of their Complaint. The Respondent may also appeal the dismissal of the Complaint if dismissal occurs after the Respondent has been made aware of the allegations. All dismissal appeal requests must be filed within three (3) business days of the notification of the dismissal.

Throughout the dismissal appeal process, the College will:

- Implement dismissal appeal procedures equally for the Parties.
- Assign a trained Appeal Decision-maker who did not take part in an investigation of the allegations or dismissal of the Complaint.
- Provide the Parties a reasonable and equal opportunity to make a statement, in writing, in support of, or challenging, the dismissal.
- Notify the Parties, in writing, of the result of the appeal and the rationale for the result.

The grounds for dismissal appeals are limited to:

1. Procedural irregularity that would change the outcome.
2. New evidence exists that would change the outcome and that was not reasonably available when the dismissal was decided.
3. The Title IX Coordinator, Investigator, or Decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that would change the outcome.
4. The dismissal was excessive or inappropriate.

The appeal request should specify at least one of the grounds above and provide any reasons or supporting evidence for why the ground is met. Upon receipt of a written dismissal appeal request from one or more Parties, the Title IX Coordinator will share the request with all other Parties and provide three (3) business days for other Parties to respond to the request in writing. At the conclusion of the response period, the Title IX Coordinator will forward the appeal, as well as any response provided by the other Parties and/or the Title IX Coordinator to the Appeal Decision-maker for consideration.

If the Request for Appeal does not provide information that meets the grounds in this Policy, the Appeal Decision-maker will deny the request, and the Parties, their Advisors, and the Title IX Coordinator will be notified in writing of the denial and the rationale.

If any of the asserted grounds in the appeal satisfy the grounds described in this Policy, then the Appeal Decision-maker will notify all Parties, their Advisors, and the Title IX Coordinator, of their decision and rationale in writing. The effect will be to reinstate the Complaint.

In most circumstances, appeals are confined to a review of the written documentation or record of the original determination and pertinent documentation regarding the specific appeal grounds. Appeal Decision-maker has seven (7) business days to review and decide on the appeal, though extensions may be granted and the Parties will be notified of any extension.

Appeal decisions are deferential to the original determination, making changes only if there is a compelling justification to do so. The Appeal Decision-maker may consult with the Title IX Coordinator and/or legal counsel on questions of procedure or rationale for clarification, if needed. The Title IX Coordinator will maintain documentation of all such consultation.

H. Emergency Removal, Interim Suspension, Administrative Leave (hereinafter Temporary Removal)

The College may determine that a Respondent should be removed from the College, partially or entirely, on an emergency basis because their presence poses an immediate threat to the physical health or safety of any student, faculty, staff or other individual, arising from the claim of sex discrimination and/or sex-based harassment.

The College may temporarily remove a Party accused of sex discrimination, sex-based harassment, or retaliation upon receipt of a Complaint or Knowledge, or at any time during the Resolution Process. Prior to a Temporary Removal, the College will conduct an individualized risk assessment and may remove the Party if that assessment determines that an imminent and serious threat to the health or safety of a Party or any students, employees, or other persons arising from the allegations of sex discrimination justifies such action.

When a Temporary Removal is imposed, wholly or partially, the affected Party will be notified of the action, which will include a written rationale, and the option to challenge the emergency removal within five (5) business days of the notification.

A Temporary Removal may be challenged, in writing on the same grounds as outlined in *Section XXI. Appeal, subsection A. Appeal Grounds*.

Upon receipt of a challenge, the Dean of Students Office or Senior Associate Vice President for Human Resources along with the applicable Division Head, or their designees, may meet with the Party (and their Advisor, if desired) as soon as reasonably possible thereafter to allow them to show cause why the removal/action should not be implemented or should be modified.

This meeting is not a Hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the temporary removal is appropriate, should be modified, or lifted. When this meeting is not requested within five (5) business days, objections to the emergency removal will be deemed waived. A Party can later request a meeting to show why they are no longer an imminent and serious threat because conditions related to imminence or seriousness have changed. A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator, Dean of Students, Sr. Associate VP for Human Resources and applicable division head, or their designee determines it is equitable for them to do so.

The Respondent may provide information, including expert reports, witness statements, communications, or other documentation for consideration prior to or during the meeting. When applicable, a Complainant may provide information as well.

A temporary removal may be affirmed, modified, or lifted as a result of a requested review or as new information becomes available. The Dean of Students Office or Sr. Associate VP of Human Resources will communicate the final decision in writing, typically within five (5) business days of the review meeting, to the Party and the Title IX Coordinator. The Coordinator will notify the Complainant, as appropriate.

A violation of the terms and conditions associated with a Temporary Removal is grounds for dismissal from the College. The College will not reimburse a student or employee for any expenses incurred related to a temporary removal. The College may notify the College community of the incident (without disclosing the identities to preserve privacy) in a Timely Warning-Crime Alert or Safety Advisory.

I. Counter-Complaints

The College is obligated to ensure that the Resolution Process is not abused for retaliatory purposes. Although the College permits the filing of counter-complaints, the Title IX Coordinator will use an initial evaluation, described in *Section XVIII., subsection C. Initial Reevaluation and Intake Meeting*, to assess whether the allegations in the counter-complaint are made in good faith. When counter-complaints are not made in good faith, they will not be permitted. They may be considered potentially retaliatory and may constitute a violation of the Policy.

Counter-complaints determined to have been reported in good faith will be processed using the Resolution Process below. At the Title IX Coordinator's discretion, investigation of such claims may take place concurrently or after resolution of the underlying initial Complaint.

J. Privacy, Privilege, and Confidentiality

The College makes every effort to protect the privacy of individuals involved in the Resolution Process and will disclose information related to the complaint, investigation, and resolution process, if any, on a need-to-know basis. The identity of persons with whom information has been disclosed by the College can be made available to the parties, upon request.

- **Privacy:** Means that information related to a complaint will be shared with a limited number of College employees who “need to know” in order to assist in providing supportive measures or evaluating, investigating, or resolving the Complaint. All employees who are involved in the College's response to Notice under this Policy receive specific training and guidance about sharing and safeguarding private information in accordance with federal and state law.
- **Confidentiality:** Exists in the context of laws or professional ethics (including Title IX) that protect certain relationships, including clinical care, mental health providers, and counselors. Confidentiality also applies to those designated by the College as Confidential Employees for purposes of reports under this Policy, regardless of legal or ethical protections. When a Complainant shares information with a Confidential Employee, the

Confidential Employee does not need to disclose that information to the Title IX Coordinator.

The Confidential Employee will, however, provide the Complainant with the Title IX Coordinator's contact information, may assist the Complainant in reporting, if desired, and will provide a Party with information on how the Title IX Coordinator can assist them. With respect to Confidential Employees, information may be disclosed when: (1) the reporting person gives written consent for its disclosure; (2) there is a concern that the person will likely cause serious physical harm to self or others; or (3) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18, elders, or persons with disabilities. Non-identifiable information may be shared by Confidential Employees for statistical tracking purposes as required by the Clery Act/Violence Against Women Act (VAWA). Other information may be shared as required by law.

- **Privilege:** Exists in the context of laws that protect certain relationships, including attorneys, spouses, and clergy. Privilege is maintained by a provider unless a court orders release or the holder of the privilege (e.g., a client, spouse, parishioner) waives the protections of the privilege. The College treats employees who have the ability to have privileged communications as Confidential Employees.

The College reserves the right to determine which College officials have a legitimate educational interest in being informed about student-related incidents that fall under this Policy, pursuant to the Family Educational Rights and Privacy Act (FERPA). Only a small group of officials who need to know will typically be told about the Complaint. Information will be shared as necessary with Investigators, Decision-makers, Appeal Decision-makers, Witnesses, the Parties, and the Parties' Advisors. The circle of people with this knowledge will be kept as tight as possible to preserve the Parties' rights and privacy.

The College may contact students' parents/guardians to inform them of situations in which there is a significant health and/or safety risk but will usually consult with the student prior to doing so.

K. Unauthorized Disclosure of Information

Parties and Advisors are prohibited from disclosing information obtained through the Resolution Process, to the extent that information is the work product of the College (meaning it has been produced, compiled, or written by the College for purposes of its investigation and resolution of a Complaint), without authorization. It is also a violation of this Policy to publicly disclose institutional work product that contains a Party or Witness's personally identifiable information without authorization or consent.

Disclosures of information about the case prior to resolution may not only interfere with the integrity of the resolution process but may also cause serious and lasting harm to persons who are directly involved in the process. At each stage in the process, the Complainant, the Respondent, Advisors, and any Witnesses will be asked to maintain confidentiality by refraining from making inappropriate disclosures, or disclosures in an imprudent or careless manner, that could compromise the integrity of the process and cause harm to the persons directly involved.

XX. FORMAL COMPLAINT

A. Filing a Formal Complaint

At the time of the filing of a Formal Complaint, the Complainant may be a Complainant (Party impacted by the alleged behavior), a parent, guardian, or other authorized legal representative with the legal right to act on behalf of the Complainant, the Title IX Coordinator, any student or employee, or any person other than a student or employee who is participating in or attempting to participate in the College's education program or activity.

When a Complaint has been filed, the Title IX Coordinator will identify the potential violations, notify the Respondent of the allegations, and schedule separate Intake Meetings with both the Complainant and the Respondent. The option for an Informal Resolution Process may be, but does not have to be, pursued after a Complainant files a Formal Complaint.

B. Related Information for All Formal Complaints

The parties will receive a written notice, the NOIA, that includes the following: the College's related resolution procedures, including any alternative resolution process; any information made known or available to the College at the time regarding the Formal Complaint, including but not limited to the identities of the Parties involved in the incident(s), the conduct alleged to constitute sex-based discrimination, sex-based harassment, and/or retaliation under Title IX, and the date(s) and location(s) of the alleged incident(s); a statement that the Respondent is presumed not responsible for the alleged conduct prior to the conclusion of the Formal Resolution Process; a notice that the Parties may have an Advisor of their choosing who may be, but is not required to be, an attorney; a notice that making knowingly false statements or knowingly submitting false information is prohibited; a notice that the Parties are entitled to equal opportunity to access the relevant and not otherwise impermissible evidence gathered during an investigation, which may be inspected and reviewed; a notice that retaliation is prohibited; and, a statement that during the course of an investigation, the College reserves the right to investigate additional allegations of sex discrimination, sex-based harassment, and/or retaliation by the Respondent toward the Complainant that were not included in the original notice, provided the College consolidates the additional allegations and provides notice of the additional allegations to the Parties whose identities are known. The Parties will receive this information in advance of any investigation interview as to allow sufficient time to prepare.

After a Formal Complaint has been filed, the College retains authority to investigate the complaint and bring conduct charges against students and employees who withdraw or are removed from the College. The College may also withhold a student's diploma or transcript when a formal complaint of sex discrimination and/or sex-based harassment is pending.

C. Timeframes and "Good Cause"

The College will make a good-faith effort to conclude the Formal Complaint Resolution Process in a reasonably prompt manner following the filing of a Formal Complaint. All timeframes referenced in this section may be extended for "good cause" with written notice, including the reason for the delay.

Although not all-inclusive, examples of circumstances that would support a “good-cause” extension determination are:

- (a) law enforcement authorities are conducting a criminal investigation and gathering evidence regarding the incident, and they have formally asked the College to temporarily delay the College’s investigation;
- (b) to ensure the integrity and completeness of the investigation;
- (c) to accommodate the availability of witnesses;
- (d) to account for College breaks or vacations;
- (e) to account for complexities of a case (e.g., the number of witnesses and the volume of information provided by the parties);
- (f) to pursue good-faith efforts to reach an alternative resolution;
- (g) to account for the need for language assistance or accommodation of disabilities; or, (h) to account for other legitimate reasons.

In the event of an extension of time, the Title IX Coordinator will notify the Parties, in writing, and provide the reason(s) for such extension. Below is a list of timeline guidelines that the College attempts to follow throughout a Resolution Process:

- Provide a written NOIA to the Responding Party, conduct an Intake Meeting with Responding Party, and begin investigation. Commonly, this step occurs within ten (10) business days of the filing of a formal complaint.
- If an Alternative Resolution Process is pursued, allow Parties to reach an agreement with the Formal Complaint Process halted during this time. Commonly, this step concludes within forty-five (45) business days following the request of an Alternative Resolution Process.
- Conclude the investigation, provide a draft preliminary report and information gathered to the Title IX Coordinator and the parties. Commonly, this step occurs within sixty (60) business days of the date the investigation begins.
- If the formal complaint is “dismissed,” provide an opportunity for Parties to submit a written challenge within five (5) business days of receipt of the written notification from the Title IX Coordinator.
- If the Formal Complaint is “dismissed” and an appeal is filed, provide the Parties with a written challenge decision. Commonly, this step occurs within five (5) business days of the last challenge submission or related meeting.
- Provide an opportunity for Parties to inspect and review the preliminary report and evidence gathered and submit any challenges directly to the Investigator. Parties will have ten (10) business days to submit challenges, in writing, to the Investigator.
- Provide the Parties with the final Investigative Report and Hearing notice (including all final charges, and any Hearing related information). Commonly, this step occurs not less than fifteen (15) business days prior to any Hearing.
- Provide Parties with a written determination regarding responsibility. Commonly, this occurs within ten (10) business days of the Hearing’s conclusion.

- Provide Parties an opportunity to appeal the written determination. Commonly, this occurs within five (5) business days of a written determination.
- If an appeal is filed, provide Parties with a written appeal decision. Commonly, this occurs within five (5) business days of the last submitted appeal or appeal-related meeting.

D. RESOLUTION OPTIONS

The College will work to address any allegations it is made aware of in the Formal Complaint, intending to stop the sex discrimination, sex-based harassment, and/or retaliation, remedy its effects, and prevent its recurrence. If the Title IX Coordinator concludes that the alleged conduct constitutes sex discrimination, sex-based harassment, or retaliation under this Policy, the Title IX Coordinator will inform the Parties that the case will move forward under this Policy and in accordance with the respective Hearing procedures.

1. Informal Resolution Process (hereinafter Informal Resolution)

To initiate Informal Resolution, a Complainant or Respondent may make such a request to the Title IX Coordinator at any time prior to a final determination, or the Title IX Coordinator may offer the option to the Parties, in writing. The College will obtain voluntary, written confirmation that all Parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the Parties to participate in Informal Resolution.

It is not necessary to pursue Informal Resolution first in order to pursue a Formal Resolution Process. Any Party participating in Informal Resolution can withdraw from the Informal Resolution Process at any time and initiate or resume the Formal Resolution Process.

If an investigation is already underway, the Title IX Coordinator has discretion to determine if an investigation will be paused, if it will be limited, or if it will continue during the Informal Resolution.

a. Alternative Resolution Process

For matters covered by this Policy, the Alternative Resolution Process (“ARP”) may be pursued either before or after a formal complaint has been filed. Either Party may request that the College consider the ARP. The Title IX Coordinator may, in consultation with other College officials, determine whether an alternative resolution process may be appropriate; if so, the parties directly involved will participate in individual conference meetings with the Title IX Coordinator and/or the individual designated to facilitate the resolution. This meeting is to ensure both Parties understand the ARP before agreeing to pursue this option for resolving their concerns. Each Party must voluntarily consent to engage in the process and the College must agree that the resolution option is available.

The individual facilitating an Informal Resolution must be trained and cannot be the Investigator, Decision-maker, or Appeal Decision-maker.

The Title IX Coordinator may consider the following factors to assess whether the alternative resolution process is appropriate for the Parties:

- The Parties' amenability to alternative resolution process.
- Likelihood of potential resolution, considering any power dynamics between the Parties.
- The nature and severity of the alleged misconduct.
- The Parties' motivation to participate.
- Results of a violence risk assessment/ongoing risk analysis.
- Respondent's disciplinary history.
- Complaint complexity.
- Goals and motivations of the Parties.
- Adequate resources to invest in alternative resolution (e.g., time, staff).

Before initiation of an ARP, the College will provide the Parties with a written notice that explains:

- The allegations.
- The requirements of the Alternative Resolution Process.
- That, prior to agreeing to a resolution, any Party has the right to withdraw from the Informal Resolution process and to initiate or resume the College's Resolution Process.
- That the Parties' agreement to a resolution at the conclusion of the ARP will preclude the Parties from initiating or resuming the Resolution Process arising from the same allegations.
- The potential terms that may be requested or offered in an Alternative Resolution Agreement, including notification that an Alternative Resolution Agreement is binding only on the Parties.
- What information the College will maintain, and whether and how it could disclose such information for use in its Resolution Process.

The Title IX Coordinator has the authority to determine whether the alternative resolution process is available or successful, to facilitate a resolution that is acceptable to all Parties, and/or to accept the Parties' proposed resolution, often including terms of confidentiality, release, and non-disparagement.

At any time prior to the conclusion of the ARP, the College or the Parties may decide to withdraw from the process and pursue the Formal Resolution Process. If the Parties are not able to resolve the Complaint through the alternative resolution process, the Complaint may be resolved through the formal process unless the Complaint is withdrawn or dismissed.

At the conclusion of the alternative resolution process, parties will be given an Alternative Resolution Agreement. The Alternative Resolution Agreements are signed by the Parties, the Title IX Coordinator and/or the facilitator of the alternative resolution process and are enforced by the College. Once signed, the

Parties are not permitted to revoke or appeal an Agreement. The results of Complaints resolved through the ARP are not appealable. Reports that an Agreement has been violated should be reported and submitted to the Title IX Coordinator who will review and may refer the submitted report, and corresponding documentation, to the appropriate College official for further review and action.

If the Respondent is found responsible for any related violations in the future, an Alternative Resolution Agreement can be considered during the sanctioning phase of that disciplinary proceeding. Records related to the process, including an Agreement, will be maintained in the Office of Equity Compliance, in the Office of the Dean of Students (for students) or the Office of Human Resources and applicable Division (for employees). Records related to an ARP may be subject to a lawfully issued subpoena or judicial order.

To the extent permitted by law, Providence College will not use information obtained and utilized during Informal Resolution in any other College process (including investigative resolution under the Policy if Informal Resolution does not result in an Agreement) or legal proceeding, though information documented and/or shared during informal resolution could be subpoenaed by law enforcement if a criminal investigation or civil suit is initiated.

b. Supportive Resolution

When the Title IX Coordinator can resolve the matter informally by providing supportive measures (only) designed to remedy the situation. The Title IX Coordinator will meet with the Complainant to determine reasonable supportive measures that are designed to restore or preserve the Complainant's access to the College's education program and activity. Such measures can be modified as the Complainant's needs evolve over time or circumstances change. If the Respondent has received the NOIA, the Title IX Coordinator may also provide reasonable supportive measures for the Respondent as deemed appropriate. This option is available when the Complainant does not want to engage the other resolution options, and the Title IX Coordinator does not initiate a Complaint.

c. Educational Conversation

When the Title IX Coordinator can resolve the matter informally by having a conversation with the Respondent to discuss the Complainant's concerns and institutional expectations or can accompany the Complainant in their desire to confront the conduct. The Complainant(s) may request that the Title IX Coordinator address their allegations by meeting (with or without the Complainant) with the Respondent(s) to discuss concerning behavior and institutional policies and expectations. Such a conversation is non-disciplinary and non-punitive. The conversation will be documented as the Informal Resolution for the matter, if it takes place. In light of this conversation, or the Respondent's decision not to attend, the Title IX Coordinator may also implement remedial

actions to ensure that policies and expectations are clear and to minimize the risk of the recurrence of any behaviors that may not align with Policy.

2. Formal Resolution Process

The College will work to address any allegations it is made aware of in the Formal Complaint, intending to stop the discrimination, harassment, and/or retaliation, remedy its effects, and prevent its recurrence. If the Title IX Coordinator concludes that the alleged conduct constitutes sex-based discrimination and/or harassment under Title IX, the Title IX Coordinator will inform the parties that the case will move forward under the respective Policy and in accordance with the respective Hearing procedures.

A Complainant may request the Formal Resolution Process, consisting of an investigation, hearing, and sanctioning, if appropriate, at any time after filing a Formal Complaint.

a. Notice of Investigation and Allegations (NOIA)

Prior to an investigation, the Title IX Coordinator will provide the Parties with a detailed written NOIA. Updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various allegations.

The NOIA typically includes:

- A summary of all allegations.
- An attachment of the redacted report form.
- The identity of the involved Parties (if known).
- The misconduct being alleged.
- The date and location of the alleged incident(s) (if known).
- The specific policies/offenses implicated.
- A description of, link to, or copy of the applicable procedures.
- The name(s) of the Investigator(s), along with a process to notify the Title IX Coordinator of any conflict of interest the Investigator(s) may have in advance of the interview process.
- A statement that the College presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination.
- A statement that determinations of responsibility are made at the conclusion of the process and that the Parties will be given an opportunity during the review and comment period to inspect and review all relevant evidence.
- A statement that retaliation is prohibited.
- Information about the confidentiality of the process, including that the Parties and their Advisors (if applicable) may not share College work product obtained through the Resolution Process.
- A statement that the Parties may have an Advisor of their choice who may accompany them through all steps of the Resolution Process.

- A statement informing the Parties that the College’s Policy prohibits knowingly making false statements, including knowingly submitting false information during the Resolution Process.
- Detail on how a Party may request disability accommodations or other assistance during the Resolution Process.
- A link to the College’s VAWA Brochure.
- An instruction to preserve any evidence that is directly related to the allegations.

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the Parties’ local or permanent address(es) as indicated in official College records, or emailed to the Parties’ College-issued email or designated accounts. Once mailed, emailed, and/or received in person, the notification will be presumed to have been delivered.

The College reserves the right to consolidate potential violations of other College policies, otherwise known as collateral misconduct, that occur in conjunction with alleged violations of this Policy, that arise through the course of the investigation, and/or for which it makes sense to provide one resolution for all allegations.

b. Resolution Timeline

The College will make a good faith effort to complete the Resolution Process within sixty to ninety (60-90) business days, including any appeals, which the Title IX Coordinator can extend as necessary for appropriate cause. The Parties will receive regular updates on the progress of the Resolution Process, as well as notification and a rationale for any extensions or delays, and an estimate of how much additional time will be needed to complete the process.

Investigations are completed expeditiously, normally within sixty (60) business days, though some investigations may take longer, depending on issues such as the nature, extent, and complexity of the allegations, Witness availability, law enforcement involvement, and other factors.

If a Party or Witness chooses not to participate in the Resolution Process or becomes unresponsive, the College reserves the right to continue it without their participation to ensure a prompt resolution. Non-participatory or unresponsive Parties retain the rights outlined in this Policy and the opportunity to participate in the Resolution Process.

The College may undertake a short delay in its investigation (several days to a few weeks) if circumstances require, as outlined in *Section XIX. Formal Complaint, subsection C. Timeframes and “Good Cause.”* The College will promptly resume its Resolution Process as soon as feasible. During such a delay, the College will implement and maintain supportive measures for the Parties as deemed appropriate.

College action(s) or processes are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

c. Ensuring Impartiality

Any individual materially involved in the administration of the Resolution Process, including but not limited to, the Title IX Coordinator, Investigator(s), and Decision-maker(s), may neither have, nor demonstrate, a conflict of interest or bias for a Party generally, or for a specific Complainant or Respondent.

The Title IX Coordinator will vet the assigned Investigator(s), Decision-maker(s), and Appeal Decision-makers for impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. At any time during the Resolution Process, a Party may challenge an appointment within the Process based on a conflict of interest or bias (this challenge must be substantiated and factually based on actual versus perceived conflict). A challenge must be made directly to the Title IX Coordinator in writing, who will determine whether the concern is reasonable and supportable. If so, a replacement will be assigned, and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with the Assistant Vice President of Institutional Diversity, Equity Compliance, and Title VI.

The Resolution Process involves an objective evaluation of all available relevant and not otherwise impermissible evidence, including evidence that supports whether the Respondent engaged in a Policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness. All Parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence, and to receive a written investigation report that accurately summarizes this evidence.

d. Investigator Appointment

Once an investigation is initiated, the Title IX Coordinator appoints an Investigator(s) to conduct it. These Investigators are properly trained Investigators, whether internal or external to the College's community.

e. Witness Role and Participation in the Investigation

Employees (not including Complainant and Respondent) are required to cooperate with and participate in the College's investigation and Resolution Process. Student witnesses and witnesses from outside the College community cannot be required to participate but are encouraged to cooperate with the investigation and to share what they know about a Complaint.

Interviews may be conducted in person or via online video platforms (e.g., Zoom, Microsoft Teams). The College will take appropriate steps to ensure the security/privacy of remote interviews.

f. Interview Record

It is standard practice for Investigators to create a record of all interviews pertaining to the Resolution Process. No unauthorized audio or video recording of any kind is permitted during investigation meetings.

All interviews are memorialized by the Investigator into an interview summary that will be provided to the Parties for their review, after which the Parties may pose additional questions to each other. Those subsequent meetings or interviews are also summarized and shared with the Parties.

g. Evidentiary Considerations

The Investigator(s) and the Decision-maker(s) will only consider evidence that is deemed relevant and not otherwise impermissible. Relevant Evidence is that which may aid in determining whether the allegation occurred, or whether the behavior constitutes a violation of Policy.

A Party's health, medical, and treatment records are confidential and are protected from disclosure unless the Party voluntarily provides written consent to release such records. Information that is protected by a legally recognized privilege will not be considered or relied upon by the Investigator unless the privilege is waived.

Impermissible evidence is defined as evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless 1) evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct, or 2) is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent.

The fact that prior consensual sexual conduct occurred between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's consent or preclude a determination that sex-based harassment occurred.

Previous disciplinary action of any kind involving the Respondent may not be considered unless there is an allegation of a pattern of misconduct. Such information may also be considered in determining an appropriate sanction upon a determination of responsibility. Barring a pattern allegation, this information is only considered at the sanction stage of the process and is not shared until then.

Within the limitations stated above, the investigation and determination can consider character evidence, if offered, but that evidence is unlikely to be relevant unless it is fact evidence or relates to a pattern of conduct.

The Investigator may visit relevant sites or locations and record observations through written, photographic, or other means. The Investigator may consult medical, forensic, technological, or other experts when expertise on a topic that is needed to achieve a better understanding of the issues under investigation.

If the Reporting Party and/or Complainant is unwilling to participate in one or more stages of the Formal Resolution Process, the College's ability to gather relevant evidence and to pursue a charge may be compromised or severely limited. The College will respect the Complainant's choices and continue to provide support no matter what they decide to do and may continue to investigate to the extent possible. If the Respondent is unwilling to participate in the investigation and/or a subsequent proceeding, the Formal Resolution Process will continue with the information available. The Investigator will not draw any adverse inference from a decision by either of the parties not to participate during any phase of the process.

h. Respondent Admits Responsibility During Formal Resolution

If at any point in the process, a Respondent elects to admit to the charged violations and waive further process, the Decision-maker is authorized to accept that admission, adopt it as their final determination, and move the case forward to the Sanction Administer(s). If the Respondent rejects the final determination and/or sanctions, or does not admit to all conduct charged, the Resolution Process continues to its conclusion. The Complainant retains their right to appeal a determination when a Respondent admits responsibility.

i. Investigation Components

All investigations are thorough, reliable, impartial, prompt, and fair. They involve interviewing all relevant Parties and Witnesses, obtaining relevant evidence, and identifying sources of expert information, as necessary.

After an interview, Parties and Witnesses will be asked to verify the accuracy of the summary of their interview. They may submit changes, edits, or clarifications. If the Parties or Witnesses do not respond within the period designated for verification, objections to the accuracy of the summary will be deemed to have been waived, and no changes will be permitted.

The College may consolidate Complaints against more than one Respondent, or by more than one Complainant against one or more Respondents, when the allegations arise from the same facts or circumstances or implicate a pattern, collusion, and/or other shared or similar actions.

The Investigator typically takes the following steps, if not already completed and not necessarily in this order:

- Identify all offenses implicated by the alleged misconduct and notify the Complainant and Respondent of all specific policies implicated.
- Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for the Parties and Witnesses.

- When participation of a Party is expected, provide that Party with written notification of the date, time, and location of the meeting, as well as the expected participants and purpose.
- Make good faith efforts to notify each Party of any meeting or interview involving another Party, in advance when possible.
- Interview the Complainant and the Respondent and conduct any necessary follow-up interviews with each.
- Interview all available, relevant Witnesses and conduct follow-up interviews as necessary.
- Provide each interviewed Party and Witness an opportunity to review and verify the Investigator's summary notes of the relevant evidence/testimony from their respective interviews and meetings.
- Allow each Party the opportunity to suggest Witnesses and questions they wish the Investigator(s) to ask of another Party and/or Witnesses. Document which questions were asked with a rationale for any changes or omissions in the Investigation Report.
- Where possible, complete the investigation promptly and without unreasonable deviation from the intended timeline.
- Provide the Parties with regular status updates throughout the investigation.
- Write a draft Investigation Report that gathers, assesses, and synthesizes the evidence, accurately summarizes the investigation and Party and Witness interviews, and provides all relevant evidence.
- Provide the Parties an electronic copy of the draft Investigation Report as well as an opportunity to inspect and review all relevant evidence obtained as part of the investigation for a review and comment period of ten (10) business days so that each Party may meaningfully respond to the evidence. The Parties may elect to waive all or part of the review period.
- Provide the draft Investigation Report to the Title IX Coordinator and/or The Office of General Counsel for their review and feedback.

j. Dismissal of Formal Complaints

At any time during the investigation (or prior to the conclusion of a Hearing), the Title IX Coordinator may dismiss the formal complaint or any allegations in the complaint if: (1) the College is unable to identify the Respondent after taking reasonable steps to do so; (2) the Respondent is not participating in the College's education program or activity and/or is not employed by the College, including but not limited to: the Respondent is no longer enrolled or employed by the College; (3) the Complainant voluntarily submits, to the Title IX Coordinator, written confirmation of withdrawal of any or all allegations in the formal complaint and the Title IX Coordinator declines to initiate a complaint given that without the Complainant's withdrawn allegations, the remaining allegations, if any, would not constitute sex-based discrimination and/or harassment; and/or (4) the alleged conduct, as submitted in the formal complaint, would not constitute sex-based

discrimination and/or harassment and the Title IX Coordinator has made reasonable efforts to clarify the allegations with the Complainant.

If the Title IX Coordinator concludes that the alleged conduct, as submitted in the formal complaint, would not constitute sex discrimination and/or sex-based harassment under Title IX, the Title IX Coordinator will inform the parties that the formal complaint will be dismissed and that the matter will be referred to the Office of Equity Compliance, Office of Community Standards (students) or the Office of Human Resources and respective Division Head (employees) to determine whether the alleged conduct would constitute a violation of other respective College policies.

XXI. PRE-HEARING PROCEDURES AND EXCHANGE OF INFORMATION

A. Opportunity to Review the Draft and Final Investigative Report and Information

The Investigator will prepare a draft Investigation Report that fairly summarizes the relevant evidence. After the draft Investigation Report has been drafted, the Parties will be notified in writing of the opportunity to inspect and review the draft report, and any additional information gathered. Parties will have ten (10) days to submit a written response for the Investigator to consider before the final Investigation Report is completed. The typed response may not exceed 10 (double spaced) pages in length.

The Parties and their Advisors must have a Non-Disclosure Agreement (NDA) on record with the Office of Equity Compliance before the College will permit access to the Report, other information gathered, or any other information deemed by the College to be private or sensitive in nature. If the College determines that the Agreement has been violated in any manner, the College will take all action deemed appropriate at that time, including disciplinary action against the offending Party.

Within fifteen (15) days of the scheduled Hearing date the Parties will receive their final Investigative Report, their Hearing notification letter, including all final charges, and any Hearing related information (including, but not limited to, the Hearing date, time, location, Decision-maker(s)/Hearing Coordinator information, etc.). When Parties are informed of their respective Decision-maker(s) and Hearing Coordinator they will be given an opportunity to challenge the designated person(s) based on a conflict of interest or bias (any challenge must be substantiated and factual and based in fact). Either Party may request to participate in the Hearing in a location or space separate from the other Party. The College may determine that the Hearing will be conducted virtually, or that some participants will participate in-person and others will participate virtually.

B. Pre-Hearing Meeting

The Hearing Coordinator will schedule separate meetings with each of the Parties and their respective Advisors to discuss the process, answer questions, and receive input.

Prior to, or at these meetings, the Parties will provide the Hearing Coordinator with a list of Witnesses they would like to attend the Hearing, for the purposes of answering questions. This list should include, next to the respective Witness, a statement of whether a proposed Witness was submitted and/or interviewed by the Investigator, and if not, the reason, and any new and relevant information they would like considered that was not provided to the Investigator (and if not previously provided to the Investigator, the reason).

The Parties and their Advisors will be provided with the guidelines for decorum and notified of whether participation will be in person or remote. At these meetings, or soon thereafter, the Hearing Coordinator will provide the Parties with a final Witness list. The Parties are strongly encouraged to submit Hearing questions for the other Party and/or Witnesses at least two (2) business days in advance of the Hearing to the Hearing Coordinator assigned to their case. This may permit the Decision-maker(s) to consider these questions for relevancy and provide feedback to the Parties before the Hearing begins.

Parties and Witnesses are encouraged, if possible, to contact the Title IX Coordinator, at least five (5) business days prior to the Hearing to arrange for any disability-related accommodations, language assistance, and/or interpretation services that may be needed during the Hearing.

C. Live Hearing

The following procedures apply to allegations involving sex discrimination, sex-based harassment, or retaliation. The Hearing will be live and may be conducted with all Parties physically present (in the same geographic location), or, at the College's discretion, all Parties, Witnesses, and other participants may appear at the live Hearing virtually, with technology enabling participants simultaneously to see and hear each other. There will be a single verbatim record, such as an audio recording or a transcript, of the Hearing (excluding deliberation). The recording will be available to the Parties for inspection and review, upon request. No other recordings of Hearings are allowed, and no other access to the recording is permitted. The recording, and all other records associated with the case, are the property of the College.

The Hearing is closed to persons other than those who are directly involved. The Parties and their respective Advisors may choose to attend the entirety of the Hearing during which information is provided to the Decision-maker(s). Witnesses are permitted to attend the Hearing only when they are answering questions.

Each Party will be provided with the opportunity to provide an opening statement of no more than five (5) minutes to the Decision-makers and Hearing Coordinator. Opening statements are optional.

All questions asked during the Hearing, of all Parties and Witnesses, will be asked by and through the Decision-maker(s). The Decision-maker(s) are permitted to ask all relevant questions and follow-up questions, including those challenging credibility. Prior to the Hearing, Parties are encouraged to submit questions they would like asked of any Party and/or Witness, at least two (2) business days prior to the Hearing to the Hearing Coordinator. During the Hearing, Parties will also be given an opportunity to submit relevant questions to the Hearing Coordinator, that the Hearing Coordinator may consider and approve of the Decision-maker(s) to ask during the Hearing of another Party or Witness. Questions should be relevant and directly related to the charge. Questions

are allowed at the discretion of the Hearing Coordinator and/or the Decision-maker(s) and may be disallowed as irrelevant, repetitive, or abusive; if warranted, the Coordinator may ask the submitter to rephrase any question.

Either Party may ask that the Hearing be conducted with the Parties located in separate rooms with technology enabling the Hearing Coordinator, Decision-maker(s), and Parties to simultaneously see and hear the Party or Witness answering questions.

The sexual history of either Party will not be referenced during the Hearing to prove character or reputation. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant unless such question(s) and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the alleged conduct, or if the question(s) and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. (These are referred to as rape-shield protections.)

Records with a legally recognized privilege, such as medical treatment records, may not be used during the Hearing unless the individual or entity holding the privilege waives the privilege. Any waiver must be in writing and should be executed at least two (2) business days in advance of the Hearing.

The standard of proof for all determinations regarding whether the Respondent violated the respective Policy is the preponderance of evidence standard. If the Respondent is found responsible, the Sanctioning Administrator(s), see *Section VIII. Roles within the Resolution Process, subsection 9. Sanctioning Administrator* shall determine the Respondent's sanction(s) and, in conjunction with the Title IX Coordinator, the remedial measures designed to restore or preserve the Complainant's equal access to the College's education program or activity.

Following a determination, the Parties will simultaneously be provided with a Notice of Outcome that includes the following information:

- a description of the alleged conduct;
- a determination of whether sex discrimination, sex-based harassment, or retaliation occurred for each applicable charge;
- the policies and procedures used to evaluate the allegations;
- an evaluation and rationale regarding the determination of whether a violation occurred for each applicable charge;
- if there is a finding of responsibility, any disciplinary sanction(s) that will be imposed and whether remedial measures will be provided to the Complainant; and
- the procedures and permissible bases for the Complainant and Respondent to appeal.

The Family Educational Rights and Privacy Act of 1974, as amended (FERPA), permits disclosure of this information.

D. Withdrawal or Resignation Before Complaint Resolution (Separates hereinafter)

Should a Respondent decide not to participate in the Resolution Process, the process proceeds, in absence of their participation, to a reasonable resolution. If a Respondent separates from the

College, the Resolution Process may continue, or the Title IX Coordinator may exercise their discretion to dismiss the Complaint. If the Complaint is dismissed, the College will still provide reasonable supportive or remedial measures as deemed necessary to address safety and/or remedy any ongoing effects of the alleged sex discrimination, sex-based harassment, and/or retaliation.

Regardless of whether the Complaint is dismissed or pursued to completion of the Resolution Process, the College will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s), and any ongoing effects of the alleged sex discrimination, sex-based harassment, and/or retaliation.

When a student Respondent withdraws or leaves while the process is pending, the student may not return to the College in any capacity until the Complaint is resolved and any sanctions imposed are satisfied. If the student indicates they will not return, the Title IX Coordinator has discretion to dismiss the Complaint. If the student Respondent takes a leave for a specified period of time (e.g., one semester or term), the Resolution Process may continue remotely. If found in violation, that student is permitted to return to the College and carry-out the terms of all sanctions if any have not been satisfied.

When an employee resigns or goes on leave the College retains the right to pause a Resolution Process, to continue the process remotely, or to dismiss the Complaint altogether due to a lack of jurisdiction. A note may be placed in the employee's file that they resigned with pending allegations and may not be eligible for rehire with the College until full resolution is reached. The records retained by the Title IX Coordinator and appropriate department will reflect that status.

E. Sanctions for Responsible Parties

Parties found responsible for violating this Policy will receive appropriate and timely sanctions, but no sanction will be implemented until after an appeal process, if any, has concluded. Factors the Sanctioning Administrator may consider when determining sanctions and responsive actions include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent's disciplinary history
- The need for sanctions/responsive actions to bring an end to the sex discrimination, sex-based harassment, and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of sex discrimination, sex-based harassment, and/or retaliation
- The need to remedy the effects of the sex discrimination, sex-based harassment, and/or retaliation on the Complainant and the broader community
- The impact on the Parties
- The Respondent's acceptance of responsibility
- Any other information deemed relevant by the Sanctioning Administrator

The sanctions will be implemented as soon as it is feasible, once a determination is final, either upon the outcome of any appeal or the expiration of the window to appeal, without an appeal

being requested. The sanctions described in this Policy are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed, by external authorities.

Additionally, if a Respondent takes a leave of absence, withdraws from, or otherwise leaves the College after an investigation of a Formal Complaint has begun, before the Formal Resolution Process has been resolved, or before an Alternative Resolution is reached, the College reserves the right to place a temporary hold on a diploma and/or transcript until the Complaint can be resolved (students), note that a Complaint was pending at the time of separation, and pause, continue, or resume the process when the College regains jurisdiction over the Respondent or at the College's discretion.

1. Student Sanctions

The following are the common sanctions that may be imposed upon students, in alignment with the Student Code of Conduct, individually or in combination, including but not limited to:

- **Disciplinary Warning:** A written notice to the student that the student is violating or has violated.
- **Loss of Privileges:** A student may be restricted in their activities, including, but not limited to, being restricted from locations, programs, participation in certain activities or extracurriculars, study abroad, or holding leadership roles in student organizations.
- **Community Service/Educational Project:** Assignment of community service opportunities, research projects, educational program attendance, or other appropriate learning experiences.
- **Disciplinary Probation:** A written reprimand for violation of Policy. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found responsible for policy violations during the probationary period.
- **Deferred Suspension:** A designated period of time during which a student is given the opportunity to demonstrate the ability to abide by the College's expectations of behavior. Will result in a suspension if found responsible for additional violations during the period.
- **Suspension:** Separation of the student from the College for a definite period of time. Conditions for readmission may be specified.
- **Dismissal- Permanent separation of the student from the College.**
- **Withholding Degree:** The College may withhold awarding a degree otherwise earned until the completion of the process set forth in the Policy, including the completion of all sanctions imposed, if any.
- **Revocation of Admission and/or Degree:** Admission to, or a degree awarded from, the College may be revoked for fraud, misrepresentation, or other violation of college standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- **Other Actions:** In addition to, or in place of, the above sanctions, the College may assign any other sanctions as deemed appropriate.

2. Student Group and Organization Sanctions

In addition to the sanctions listed above, one or more of the following additional sanctions may be imposed upon student groups, clubs, or organizations:

- Loss of Some Privileges: Loss of certain privileges for a specified period of time.
- Loss of Official Recognition: Loss of all privileges, including official recognition, for a specified period of time.

3. Employee Sanctions

Employees found responsible for violating this Policy will receive possible sanctions up to and including, but not limited to:

termination; suspension; tenure revocation; non-renewal of a contract or non-reappointment; issuance of a No-Contact Directive; loss or denial of certain privileges; work reassignment or restructuring of position and duties; rescission of committee or other types of special or leadership appointments; administrative withdrawal from a course with or without a refund or credit; and required professional evaluation or assessment with a signed release permitting the College to confirm participation and any follow-up recommendations.

All Respondents are expected to comply with the assigned sanctions, responsive actions, corrective actions, and/or Alternative Resolution Process terms within the timeframe specified by the final Sanctioning Administrator, including the Appeal Decision-maker or the Alternative Resolution Agreement.

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or for any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from the College.

F. Notice of Outcome

Within ten (10) business days of the conclusion of the Resolution Process, the Hearing Coordinator will provide the Parties with a Notice of Outcome (NOO) letter. The NOO will specify the finding for each alleged Policy violation, all applicable sanctions that the College is permitted to share pursuant to state or federal law, a detailed rationale, written by the Decision-maker(s), supporting the findings, and the appeal rights and process.

The Hearing Coordinator will provide the Parties with the NOO simultaneously, or without significant time delay between notifications. The NOO may be delivered by one or more of the following methods: in person, mailed to the Parties' local or permanent address as indicated in official College records, or emailed to the Parties' College issued email account. Once mailed, emailed, and/or received in person, the outcome notification is presumptively delivered.

XXII. APPEALS

A. Appeal Grounds

Appeals are limited to the following grounds:

1. A procedural irregularity that would change the outcome- A departure from the designated procedures resulted in an irregularity that affected the Outcome.
2. New evidence that would change the outcome and that was not reasonably available at the time the determination regarding responsibility was made.
3. Conflict of Interest or Bias- The Title IX Coordinator, Investigator, Decision-maker(s), or Sanctioning Administrator had a conflict of interest or bias for or against complainants or respondents generally, or the specific Complainant or Respondent, that would change the outcome.
4. Excessive or Inappropriate Sanction- The sanction imposed is either excessive or not appropriate for the violation.

B. Request for Appeal

Either Party may submit a written Request for Appeal to the Title IX Coordinator within five (5) business days of the delivery of the NOO.

The Request for Appeal will be forwarded to the Appeal Decision-maker for consideration to determine if the request meets the grounds for appeal. This is not a review of the merits of the appeal, but solely a determination as to whether the request could reasonably be construed to meet the grounds and is timely filed.

If the Request for Appeal does not provide information that meets the grounds in this Policy, the request will be denied by the Appeal Decision-maker, and the Parties will be simultaneously notified in writing of the denial and the rationale.

If any of the information in the Request for Appeal meets the grounds in this Policy, then the Appeal Decision-maker will notify all Parties, the Title IX Coordinator, and, when appropriate, the Investigator and/or the original Decision-maker(s) and Sanctioning Administrator. This notice will include a copy of the Request for Appeal with the approved grounds and then Parties will be given five (5) business days to submit a response to the portion of the Appeal that was approved and involves them. The response to an Appeal is limited to 10 typed pages doubles spaced.

The Appeal Decision-maker will collect any additional information needed and all documentation regarding the approved appeal grounds, and the subsequent responses will be shared with the Appeal Decision-maker, who will promptly render a decision.

C. Appeal Determination Process

In most cases, appeals are confined to a review of the written documentation or record of the original determination and pertinent documentation regarding the specific appeal grounds. The Appeal Decision-maker will deliberate as soon as is practicable.

Appeal decisions are to be deferential to the original determination, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so. An Appeal is not an opportunity for the Appeal Decision-maker

to substitute their judgment for that of the original Decision-maker(s) or Sanctioning Administrator merely because they disagree with the finding and/or sanction(s).

The Appeal Decision-maker may consult with the Title IX Coordinator, or designee, on questions of procedure or rationale, for clarification, if needed. The Title IX Coordinator will maintain documentation of all such consultation.

D. Appeal Outcome

An Appeal may be granted, denied, remanded for further investigation, or modified. Appeals that are granted, in part or fully, should normally be remanded to the original Investigator and/or Decision-maker with corrective instructions for reconsideration.

A Notice of Appeal Outcome letter (Appeal Outcome) will be sent to all Parties simultaneously, or without significant time delay between notifications. The Appeal Outcome will specify the finding on each appeal ground, any specific instructions for remand or reconsideration, all sanction(s) that may result which the College is permitted to share, and the rationale supporting the essential findings.

Once an Appeal is decided, the outcome is final and constitutes the Final Determination. Further Appeals are not permitted, even if a sanction is modified and/or changed by an Appeal decision-maker or on remand (except in the case of a new determination). When Appeals result in no change to the finding or sanction, that decision is final. If a remand results in a new determination, regarding responsibility, that is different from the appealed determination, that new determination may be appealed, once, on any of the four (4) available appeal grounds from *Section XXI. Appeals, subsection A. Appeal Grounds*.

E. Sanction Status During the Appeal

Any sanctions imposed as a result of the determination are not implemented during the appeal process, and supportive measures may be maintained or reinstated until the appeal determination is made.

If any of the sanctions are to be implemented immediately post-determination, but pre-appeal, then the emergency removal procedures, detailed in *Section XVIII. Resolution Process, subsection H. Temporary Removal*, meeting on the justification for doing so must be permitted within two (2) business days of implementation.

XXIII. RECORDKEEPING

For a period of at least seven (7) years following the conclusion of the Resolution Process, Providence College will maintain records of:

- Each sex discrimination, sex-based harassment, and retaliation resolution process, including any Final Determination regarding responsibility or appeal, and any audio or audiovisual recording or transcript required under federal regulation.
- Any disciplinary sanctions imposed on the Respondent.

- Any supportive measures provided to the Parties and any remedies provided to the Complainant or the community designed to restore or preserve equal access to the College's education program or activity.
- Any Appeal and the result therefrom.
- Any Alternative Resolution Process and the result therefrom.
- All materials used to provide training to the Title IX Coordinator and designees, Investigators, Decision-maker(s), Appeal Decision-makers, Sanctioning Administrators, Hearing Coordinators, Informal Resolution Facilitators, and any person who is responsible for implementing the College's Resolution Process, or who has the authority to modify or terminate supportive measures. The College will make these training materials available for review upon request.
- All materials used to train all employees consistent with the requirements in the Title IX Regulations.

Providence College will also maintain any and all records in accordance with federal and state laws.

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