Bentley University

Title IX and Gender-Based Discrimination Policy

Mission of Bentley University: To educate creative, ethical, and socially responsible organizational leaders by creating and disseminating impactful knowledge within and across business and the arts and sciences.

Mission and Purpose of this Policy: This policy has been designed to eliminate barriers on Bentley University’s campus that are rooted in harassment or discrimination based on an individual’s sex, gender, and/or gender appearance.

Questions Regarding this Policy: Please forward any questions to those responsible for Bentley’s Title IX compliance.

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Table of Contents:

I. Policy Statement page 3  
II. Resources for Information and Assistance page 4  
III. Title IX at Bentley page 4  
IV. Interim Support Measures page 5  
V. Scope of the Policy page 5  
VI. Confidentiality page 6  
VII. Options for Assistance page 6  
VIII. Defining and Recognizing Prohibited Conduct page 6  
IX. Additional Provisions, Definitions, and Clarifications page 10  
X. Reporting an Incident page 11  
XI. Investigation and Adjudication Procedures and Protocols page 13  
XII. Prevention and Education page 13  
XIII. Trainings for Faculty and Staff page 13  

Appendix A: Campus and Community Resources page 14  
Appendix B: Investigation/Adjudication Procedures and Protocols page 17  
Appendix C: Types of Employees on Campus page 35
I. **Policy Statement:**

Congress passed the Higher Education Amendments in 1972, and included within them was Title IX, which states: “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance...” Since 1972, several other federal and Massachusetts state laws have been adopted to offer further protection to those in higher education (i.e., students, staff, faculty, and third parties) from discrimination and harassment based on a person’s sex or gender. Bentley University is firmly committed to establishing an environment free of such discrimination and prohibits such acts, including: sexual harassment, sexual exploitation, sexual harassment including sexual violence (i.e., sexual assault and non-consensual sexual touching, forcible or not), relationship abuse (including domestic violence and dating violence), voyeurism, and stalking.

Additionally, retaliation against anyone who reports an incident of harassment or discrimination listed above, brings forward a complaint, or participates in an investigation of harassment or discrimination is also prohibited. Retaliation is also prohibited against those who, in good faith and reasonable manner, oppose an act or policy believed to constitute sex- or gender-based discrimination. It is the responsibility of Bentley University’s Title IX Coordinator to ensure that inquiries into reports of misconduct described above are made, as well as formal investigations consistent with applicable grievance procedures that are described in the following policy.

Bentley University will always respond to complaints, reports, allegations, and information about sex- and gender-based discrimination that it knows or should know about. These responses will serve to stop prohibited conduct, prevent its recurrence, and address any lingering impact that it had on both individuals and the larger campus community. Bentley also reaffirms the rights of reporting parties (see section IX for a full list of definitions) to decide whether they wish to be involved in any of the University’s processes to address sex- and gender-based harassment or discrimination. Bentley is also strongly committed to supporting reporting parties through the numerous support services available. The University encourages those who wish to receive confidential support services regarding sex- and gender-based discrimination to seek assistance from staff in the Counseling Center, the Center for Health and Wellness, the Boston Area Rape Crisis Center, and/or seek medical attention.

Responsible employees of the University are required by law to report allegations of sexual harassment and other forms of sex- and gender-based discrimination that they observe or learn about to the Title IX Coordinator. The University has identified its “responsible employees” to include Deans and Directors in the Division of Student Affairs, all staff members in the Office of the Dean of Student Affairs, University Police, and all Residential Center Staff (including Resident Assistants). Please note that as more employees are trained in responding to such disclosures, this list will be updated appropriately. Employees whose positions legally require confidentiality (i.e., licensed mental health counselors and health professionals) are not responsible employees. If you have a question regarding reporting responsibilities, please contact the Title IX Coordinator.

All employees of Bentley University are strongly encouraged to offer information on how to report such incidents to students and colleagues, as well as report this conduct directly to the Title IX coordinator.
Responsible employees who fail to report allegations of sexual harassment and other forms of sexual misconduct that they observe or learn about may be subject to disciplinary action. Bentley University is mandated to respond promptly and appropriately to any allegations of sexual harassment or other forms of gender-based discrimination. Under these policies, the university will consider the effects of off-campus conduct for faculty, staff, students, visitors, and community members when evaluating whether a hostile environment was created on campus. Any person responsible for, or involved in, retaliation will be subject to disciplinary action up to and including expulsion or termination.

Additionally, Bentley also seeks to ensure our campus and culture is inclusive for all students, and as such has committed to engaging in several preventative and proactive educational programs and initiatives. For a list of some of the programs Bentley offers, please see section XI of this document.

II. Resources for Information and Assistance:
Bentley University offers various resources for students, staff, and faculty seeking information or support regarding gender-based discrimination and harassment. Bentley also acknowledges that each person experiences and responds in differing ways, and there are a variety of formal and informal options for support. Please review the information regarding your options for support, assistance, and reporting so that you can make an informed decision based on personal needs. Your needs may change over time, so please also know that you may choose to utilize different forms of response at different times. Any member of the Bentley community (including visitors) is welcome to contact the Title IX coordinator for information regarding this policy or the procedures outlined within it. The resources highlighted in Appendix A also provide information, assistance, and support to those who seek it.

III. Title IX at Bentley:
Bentley University will always respond to complaints, reports, allegations, and information about sex- and gender-based discrimination that it knows or should know about. The Title IX Coordinator for Bentley University is responsible for providing leadership regarding the Title IX and Gender-Based Discrimination Policy, ensuring that ongoing trainings and education regarding sex/gender-based harassment and discrimination take place, as well as compliance-related reporting. Additionally the Title IX coordinator will be responsible for:

- Tracking and monitoring incidents, including sex-based discrimination and sexual misconduct
- Ensuring that the University responds effectively to each complaint

When a formal report is made to the Title IX coordinator, they will ensure that the appropriate measures are taken, including obtaining an external investigator and convening a Title IX hearing panel, however the Title IX coordinator will not participate in the investigation, hearing, or in the deliberations regarding the report (see section XI for more information on investigation procedures and protocols).

Bentley University also has two Deputy Title IX Coordinators, one focused on supporting students and another focused on supporting staff and faculty. These individuals can offer further information to
those who may have questions about this policy, and formal reports can be submitted to them. The Deputy Title IX coordinators will also keep individuals involved in formal investigations up-to-date regarding its progress. The Deputy Title IX coordinators also will not participate in the investigation, hearing, or in the deliberations regarding the report (see section XI for more information on investigation procedures and protocols).

The Title IX Coordinator and Deputy Title IX Coordinators are knowledgeable about, and will provide information on, all options for complaint resolution. Both the Title IX Coordinator and the Deputy Title IX Coordinators can assist in providing interim support measures to remedy the impact of an incident.

IV. Interim Support Measures
One way in which Bentley will support those who bring forward claims of sex- or gender-based discrimination is to offer interim measures and supports to remedy to the impact of the alleged misconduct. Examples of interim measures include:

- Providing University “No Contact” orders to all parties involved
- Changes in housing assignment or room combination
- Assistance from support staff
- Academic support services
- Help in rescheduling exams
- Limiting access to university facilities and activities pending resolution of the matter
- Change in class schedule
- Change in work schedule or job assignment
- Arrangements for medical services

These are just some examples of the interim support measures that the University may take to support individuals involved in an incident of sexual misconduct. As each individual will have their own needs and requests, the University is committed to tailoring interim measures to the specifics of each incident in a fair and equitable manner. Individuals seeking to access interim support measures can contact the Title IX Coordinator or the Deputy Title IX Coordinators.

V. Scope of this Policy:
The federal mandates established by Title IX and the Campus SaVE Act reaffirm that students, staff, faculty, and visitors have the right to be free from discrimination based on their gender, sex, sexual orientation, and gender appearance. All procedures regarding incidents involving students can be found in Appendix B of this policy, while all procedures for incidents involving staff and faculty can be attained by contacting the Deputy Title IX Coordinator for Faculty and Staff Support.

This policy applies to any behaviors involving community members both on and off campus. Examples of off campus coverage of this policy include incidents that occur on faculty-led study abroad trips, the Commencement Week trip for graduating seniors, internship sites, service learning sites, and off campus residences of students.
VI. Confidentiality:
Bentley encourages reporting parties to talk to an employee about what happened and seek out appropriate resources and support. Please note that faculty and staff members on campus have different roles and responsibilities for reporting information should a student disclose an act of sexual misconduct:

- Some employees are required to maintain near complete confidentiality; talking to them is sometimes called a “privileged communication.”
- Other employees may talk to a student in confidence, and generally only report to the University that an incident occurred without revealing any personally identifying information. Disclosures to these employees will not trigger an investigation into an incident against the student’s wishes.
- Certain employees are required to report all the details of an incident (including the identities of both the reporting and responding parties) to the Title IX coordinator. A report to these employees (called “responsible employees”) constitutes a report to Bentley and generally obligates the University to investigate the incident and take appropriate steps to address the situation.

This policy is intended to make students aware of the various reporting and confidential disclosure options available to them. Ideally this information will inform students so they can make deliberate choices about where to turn should they become a survivor of sexual violence. Bentley encourages students to talk to someone identified in one or more of these groups. For more information on which employees serve in each of these capacities, please see Appendix C.

VII. Options for Assistance:
For more information regarding options for assistance, regarding both immediate and ongoing concerns, please see Appendix A.

VIII. Defining and Recognizing Prohibited Conduct

Conduct that is prohibited and encompassed by this policy includes sexual harassment, sex and gender discrimination, sexual assault, rape, stalking, and relationship abuse (including domestic and dating violence). It is a violation of this policy to either commit these acts or attempt to commit them. These acts are also a violation of federal and state law (including Title IX, the Campus SaVE Act, and the Violence Against Women Act). These acts are prohibited in any sex or gender configuration (i.e., between the opposite or same sex), regardless of sex and gender identity. Acts of harassment or sex- and gender-based discrimination may vary in severity and include, but are not limited to, the following categories:

A. Sexual Assault
B. Sexual Exploitation
C. Sexual Harassment
Bentley University’s **Definition of Consent** applies to all of these acts. Bentley University adheres to the following definition of consent:

- Consent is a clear, active, and affirmative permission to act. The person who initiates sexual activity is responsible for obtaining the other person’s consent for that activity each and every time. The existence of a dating relationship does not imply consent.
- Consent can never be assumed or implied. The absence of “No” or silence does not mean that consent has been given. Additionally, consent to one form of sexual activity does not imply consent to other forms of sexual activity. Consent is not present when coercion, manipulation, intimidation, or force is used. Coercion includes continued pressure after an individual has made it clear that they do not want to engage in the behavior. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.
- Consent is also not present if a person is known to be (or, based on the circumstances, should reasonably be known to be) mentally or physically incapacitated. An incapacitated individual is someone who cannot make rational, reasonable decisions because they lack the capacity to understand the “who, what, when, where, why, or how” of a sexual interaction. This includes a person whose incapacity results from mental disability, sleep, involuntary physical restraint, unconsciousness, use of alcohol or other drugs.
- Consent is never present if an individual is under the legal age of consent (16 in the state of Massachusetts).

*Aspects of this definition were informed by ATIXA’s Model Code and Harper College*

**A. Sexual Assault:** Sexual assault is a form of sexual misconduct that is a violation of University policy as well as federal and state statutes. The Commonwealth of Massachusetts defines sexual assault as “any sexual activity that is forced, coerced, or unwanted” and refers to the crimes of rape and indecent assault and battery. Bentley University adheres to the following definitions of rape and indecent assault and battery:

- Rape includes penetration (oral, anal, or vaginal) of any orifice with any object without effective consent.
- Indecent Assault and Battery includes non-consensual sexual contact without penetration.

The severity of the crime is the same whether the responding party is a stranger or known to the reporting party. All students, faculty, and staff should be aware that the University is prepared to respond to any incidents of sexual assault. Individuals who commit sexual assaults will be subject to disciplinary action that can include suspension or expulsion from Bentley as well as civil and criminal penalties.
B. **Sexual Exploitation:** Sexual exploitation occurs when a person takes non-consensual, unjust, or abusive sexual advantage of another for their own advantage or benefit, or for the benefit or advantage of anyone other than the one being exploited. This behavior may not fall within the definition of non-consensual sexual contact/activity, non-consensual sexual intercourse/penetration, or sexual harassment, but it is still a violation of policy.

There are many degrees and types of sexual exploitation including, but not limited to:

1. **Photographing or Video/Audio Taping Sexual Contact or Sexual Activity**
   Photographing or taping someone (via audio or video) involved in sexual activity, sexual intercourse, or in a state of undress without their consent or knowledge constitutes prohibited sexual exploitation. Even if a person consented to the sexual activity or intercourse, photographing or taping someone without their knowledge goes beyond the boundaries of that consent.

   The dissemination of photographs or video/audio of someone involved in sexual activity, intercourse, or in a state of undress without their knowledge or consent constitutes a separate and additional act prohibited by this policy.

2. **Voyeurism**
   Voyeurism is the act of observing a person involved in sexual contact/activity, sexual intercourse, or in a state of undress without their knowledge or consent.

3. **Inducing Intoxication/Incapacitation for the Purpose of Sexual Activity**
   Offering drugs, alcohol, or other substances to a person with or without their knowledge with the intent to impair their ability to withhold consent or their ability to knowingly consent to sexual activity is a violation of this policy. This type of conduct constitutes sexual exploitation regardless of whether any sexual activity takes place.

C. **Sexual Harassment:**

Bentley University adheres to the following definition of sexual harassment:

1. Unwanted sexual advances that may take the form of inappropriate sexual or suggestive comments, sounds or jokes; unsolicited touching or fondling; unwanted intercourse or assault;

2. Unwelcome requests for sexual favors; and/or

3. Other behavior of a sexual nature where:

   Submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment or participation in a university-sponsored educational program or activity. Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting that individual.
Such conduct has the purpose or effect of unreasonably interfering with an individual’s academic or work performance, as well as creating an intimidating, hostile, or offensive educational, social, living, or working environment.

D. Harassment Based on Sexual Orientation/Gender Identity
Harassment based on sexual orientation/gender identity is defined as derogatory comments, actions, or conduct (either verbal or physical in nature) directed toward an individual by virtue of their presumed status as a heterosexual, gay, lesbian, bisexual, or transgender person which:

1. Humiliates or intimidates an individual;
2. Impedes academic or work performance; and/or
3. Interferes with university life.

E. Stalking
Massachusetts law defines stalking as a willful and malicious pattern of conduct or acts directed at another person that seriously alarms and causes a reasonable person to suffer substantial emotional distress. The law further states that the stalker makes a threat with the intent to place the person in fear of death or bodily injury.

Stalking behaviors may include following or watching, unwelcome gifts, or communications in person, in writing, or through the use of technology. It also includes accessing personal information to monitor a person’s activity. Individuals found responsible for instances of stalking will be subject to disciplinary action that can range from education to expulsion.

F. Relationship Abuse
Relationship abuse can be physical, sexual, verbal, or emotional. It is unwanted and causes physical or emotional harm. At Bentley, relationship abuse can involve current or former intimate partners, roommates, or teammates. Relationship violence occurs in both same-sex and opposite-sex relationships. All students, faculty, and staff should be aware that the university is prepared to respond to any incidents of relationship abuse. Individuals found responsible for instances of relationship abuse will be subject to disciplinary action that can range from education to expulsion.

G. Retaliation
Retaliation occurs when an adverse action is taken against an individual for raising concerns about conduct which is prohibited by law or policy. All members of the Bentley community have the right to raise concerns or file a complaint through the student conduct system without fear of retaliation. Additionally, it is both unlawful and a violation of University policy to retaliate against an individual for filing a report of sexual misconduct or gender-based discrimination. Retaliation is also prohibited against anyone who participates in an investigation of sexual misconduct or gender-based discrimination. Examples of retaliation can include hostility, intimidation, threats, exclusion, and discrimination. Any person who retaliates against an individual reporting sexual misconduct or gender-based discrimination and/or someone who
participates in a sexual misconduct or gender-based discrimination investigation is subject to disciplinary action up to and including expulsion from the University.

IX. Additional Provisions, Definitions, and Clarifications

Leniency: Students may be concerned about reporting Sexual Misconduct believing that their own behavior might subject them to disciplinary action (e.g., a reporting party or witness is underage and was using alcohol or drugs at the time of the incident). Witnesses and reporting parties should be assured that the focus in matters of sexual misconduct is always on the reported behavior, not on whether someone was, for example, using alcohol or drugs at the time. Individuals are encouraged to come forward and report such conduct regardless of the surrounding circumstances. In situations involving allegations of sexual misconduct, Bentley University will seek to make the Sexual Misconduct allegation the primary focus of any investigation or disciplinary action. In such circumstances, the University will exercise leniency regarding secondary conduct violations (e.g. underage drinking) and those issues will not be subjected to adjudication. It should be noted that the use of alcohol or drugs does not excuse sexual misconduct and a person who has been incapacitated through the use of alcohol and drugs (or by any other means) cannot give effective consent to sexual activity.

Confidentiality: Because breaches of confidentiality compromise the ability of the University to investigate and resolve claims of prohibited harassment and discrimination, administrators responsible for implementing this policy will attempt to protect the confidentiality of harassment and discrimination proceedings to the extent reasonably possible. All participants in the process are required to respect the confidentiality of the proceedings and circumstances giving rise to the dispute.

On campus, complete confidentiality can only be guaranteed when a concern is shared with the Medical Provider, the Counseling Center, and with certain Spiritual Life Staff, and when the concern does not involve a continuing threat of serious harm to self or others.

A list of confidential resources on and off campus is available in Appendix A. The University is obligated to investigate all allegations that may constitute prohibited harassment or discrimination. Any person seeking information or guidance concerning potential harassment or discrimination should be advised that the University may need to take action once informed of an allegation whether or not the person wants to pursue a complaint.

Academic Freedom and Harassment: Bentley University is committed to principles of free speech and upholding the tradition of academic freedom. This policy is not intended to restrict teaching methods or freedom of expression, nor will it be permitted to do so. Harassment or discrimination prohibited by this policy is not a proper exercise of academic freedom.

Use of Alcohol or Drugs: A person who has consumed alcohol and/or drugs still has a responsibility to obtain ongoing consent for any sexual activity with another person. The use of alcohol or other drugs by the person initiating sexual activity will never be accepted as excuse for failing to obtain consent.
**Reporting Party:** An individual bringing forth a report or that they have experienced one or more acts of sexual misconduct described in this policy.

**Responding Party:** An individual who is alleged to have carried out one or more of the prohibited acts defined in this policy.

**X. Reporting an Incident:**

Individuals may choose to seek action or assistance both on campus as well as through the surrounding community. Additional or interim measures may be provided to you to remedy the impact of the alleged misconduct. The following situations are example of reasons why you might choose to report an incident of misconduct:

- To seek formal action against someone, such as removing them from a class or campus
- To educate the person about their behavior through use of the University’s Title IX processes and procedures
- To make Bentley aware of the behavior in case it is part of a larger pattern
- To confront the individual and make your voice heard about how you feel about what happened
- To receive assistance in changing classes or other on campus arrangements
- To receive support in coping with an incident

Mediation will not be used as a means to address or resolve cases of sexual misconduct, and those who have reported/experienced an incident of sexual misconduct will not be required to resolve the matter directly with the respondent. A reporting party should also know that they have options to bring criminal or civil actions against the responding party.

**Reporting Confidentially**

If you are seeking support but want to maintain confidentiality, the best on campus resources for you include the clinicians in the Center for Health and Wellness, any staff in the Counseling Center, or any ordained ministers on the Spiritual Life staff. All of these resources are including in the cost of attendance for students, and the clinicians in the Center for Health and Wellness and Counseling Center staff can be seen on an emergency basis. The off campus resources listed in the previous section are also confidential resources. You may consider a confidential option if you:

- Would like to know about support and assistance but are not sure if you want to pursue formal action against the individual;
- Have questions or would like to process what happened with someone without involving police or Title IX procedures; and/or
- Do not want the responding party (i.e., alleged violator) to know that you are seeking help or support
NOTE: Please be aware that even confidential resources have some obligations to report, such as in situations of imminent danger and/or abuse of a minor.

**Formal Reporting Options**

Bentley University encourages all students, faculty, and staff to file a formal report of an incident to designated campus officials. All staff members in the Office of the Dean of Student Affairs, University Police, all Deans and Directors of Student Affairs, and the Residential Center Staff (including Resident Assistants) are designated as campus officials. Reporting to any of these individuals is considered an official notice to the institution. After you file a report, you should expect the institution to investigate and properly resolve the incident through administrative procedures. Information disclosed in a formal report will be shared only with individuals who need to know of the incident, including the incident investigator, responding party, witness(es), and deputy Title IX coordinator.

Please note that separate protocols exist for criminal reports. If you would like to file a criminal report, please contact University Police at 781-891-2201.

*Please be aware that if you file a formal report, your name and the relevant reported information will be disclosed and will appear in the investigation report. This also means that the case may proceed to a Title IX hearing.*

You may consider filing a report if you:

- Would like formal action taken. Formal action can include assistance in: obtaining a restraining order or University “No Contact” order, filing criminal charges, or conduct or employment action for the responding party if they are found responsible for violating university policy.
- Would like the University to be aware of the situation in case it happens again.

For more information on the Title IX and Gender-Based Discrimination procedures (including investigations and hearings), please contact the Title IX coordinator or Deputy Title IX coordinators. You can also review the full policy at [www.bentley.edu/campus-life/sexual-assault](http://www.bentley.edu/campus-life/sexual-assault).

**Disclosing to Other Responders on Campus**

You may seek advice from other employees on campus after an incident occurs. These responders, including most faculty and staff, are encouraged to call the Title IX coordinator when an incident of sexual violence or misconduct is reported to them, especially if there is cause for fear of a person’s safety. *If you are unsure of someone’s duties and ability to maintain your privacy, ask them before you talk them.*

Please note that these responders may choose to share your personally identifiable information if it will help to best support you. If information about your identity is shared, it will only be as necessary and with as few people as possible. All efforts will be made to protect your privacy. You may consider speaking to these responders if you:
• Have more general questions about the policies and procedures
• Are seeking support in accessing confidential resources or reporting options

XI. Investigation and Adjudication Procedures and Protocols
For information regarding investigation and adjudication procedures and protocols for students, please see Appendix B of this policy. For procedures and protocols for faculty and staff, please contact the Deputy Title IX Coordinator for Faculty and Staff.

XII. Prevention and Education
Bentley University prides itself in being a leader in providing ongoing educational programs and initiatives for its community related to sex/gender-based discrimination. Examples of these educational efforts include:
• First Year Seminar Class and Plenary Sessions focused on Sexual Assault and Relationship Violence
• Consent Day (a program that educates the community on consent, asking for consent, and providing consent)
• HAVEN (a mandatory online training that educates and raises awareness regarding sexual assault for both undergraduate and graduate students)
• AlcoholEdu (an online evidence-based prevention too that creates a highly personalized user experience that inspires students to reflect on and consider changing their drinking behaviors)
• Bystander Training
• Hook Up Culture Panel
• Guess the Straight Person
• Ally Trainings (Offered to students, faculty, and staff)

XIII. Trainings for Faculty and Staff
At a minimum, all responsible and confidential employees will receive annual training facilitated by the Title IX Coordinator, including Resident Assistant Staff. The Title IX Hearing Panel for student incidents will receive bi-annual trainings as well. Additional trainings for these employees, as well as others will be organized by the Title IX Coordinator and/or Deputy Title IX Coordinators. As trainings will occur throughout the year, please contact the Title IX Coordinator for a complete list of the trainings that have occurred to date.
Appendix A

CAMPUS AND COMMUNITY RESOURCES

Bentley University offers various resources for students, staff, and faculty seeking information or support regarding gender-based discrimination and harassment. Bentley also acknowledges that each person experiences and responds in differing ways, and there are a variety of formal and informal options for support. Please review the information regarding your options for support, assistance, and reporting so that can make an informed decision based on personal needs. Your needs may change over time, so please know that you may choose to utilize different forms of response at different times.

If you have experienced an act of sex- or gender-based discrimination or harassment, our first concern is your safety and well-being. Bentley University offers some on campus resources to assist students who have been affected by sexual violence or sexual misconduct. The greater Boston area also offers many additional services and support options. Bentley community members are encouraged to utilize any resource on or off campus available to them.

Safety Concerns: Any individual concerned for their immediate safety on campus can contact University Police at 781-891-3131, and if off campus, should contact the local police via 911.

Confidential Resources on Campus: If you are not sure if you would like to proceed with formal action (i.e. filing a police report or reporting to the University), there are support services available while you consider those options. The Counseling Center, the Center for Health and Wellness, and the Spiritual Life staff can be good places to start if you are not sure whether to report:

- **The Counseling Center**: 781-891-2274 (located on the second floor of the Callahan Police Building)
  - All staff in this office are *confidential resources*
- **The Center for Health and Wellness**: 781-891-2222 (located in the basement of Rhodes Hall)
  - All clinical staff are *confidential resources*
  - Resource Advocates, specifically Jessica Greher Traue and Lauren Salmo, are *limited reporters*, which means they will only share information about the incident reported, not any information that is personally identifiable to you.
- **The Spiritual Life Staff**
  - All ordained ministers are *confidential resources*
  - All lay staff are *limited reporters*, which means they will only share information about the incident reported, not any information that is personally identifiable to you.

Formal Reporting Resources on Campus: Please contact any of these offices if you would like to file a formal report of an incident of sex- or gender-based discrimination or harassment:

- **The Office of the Dean of Student Affairs**: 781-891-2161 (located in Lewis Hall)
- **The Residential Center**: 781-891-2148 (located in Lewis Hall)
- **University Police** (located on the first floor of the Callahan Police Building):
Off Campus/Community Resources

The following resources are not managed by Bentley University but may be helpful to you, especially in assisting you with a variety of needs that you may have beyond your campus experience.

**Newton-Wellesley Hospital**
2014 Washington Street
Newton, MA 02462
617.243.6000

Newton-Wellesley Hospital provides free and confidential services for survivors of domestic and sexual violence. Domestic violence and sexual trauma affects people of every race, culture, faith, age, gender identity and sexual orientation.

**Fenway Community Health Center** (several locations)
1.888.242.0900
The mission of Fenway Health is to enhance the wellbeing of the lesbian, gay, bisexual and transgender community and all people in our neighborhoods and beyond, through access to the highest quality health care, education, research and advocacy.

**Boston Area Rape Crisis Center (BARCC)**
Hotline: 1.800.841.8371
Business: 617.492.9306
BARCC was founded in 1973 to create a hotline to answer calls from rape survivors. Today, it is a national leader in providing a 24-hour hotline, 24-hour medical advocacy, individual and group counseling, and legal advocacy. BARCC also provides community awareness and prevention services.

BARCC assists thousands of sexual violence survivors and their families, friends and communities each year, regardless of sex, gender identity, race, physical/developmental disabilities, income, ethnicity, class, religion, or sexual orientation. Services are provided in English, Spanish, Haitian Creole, and French, with other languages available upon request.

**Casa Myrna**
Hotline: 1.877.785.2020

Casa Myrna provides safe housing, legal assistance, counseling, and other support services for survivors of domestic abuse and relationship violence. Services are offered in multiple languages.
Rape, Abuse and Incest National Network (RAINN)
Hotline: 1.800.656.HOPE
The Rape, Abuse and Incest National Network is the nation's largest anti-sexual violence organization. RAINN operates the national sexual assault hotline at 1.800.656.HOPE (4673) and the national sexual assault online hotline at rainn.org. The hotline offers free, confidential services. RAINN educates the public about sexual violence and leads national efforts to prevent sexual violence, improve services to victims, and ensure that rapists are brought to justice.

SANE (Sexual Assault Nurse Examiners)
SANE (sexual assault nurse examiners) are registered nurses and nurse practitioners who have completed specialized training to assist sexual assault victims. They perform the pelvic exams and collect all forensic evidence (think CSI). SANE nurses are available at only specific hospital emergency rooms. The evidence collected is sealed in Massachusetts evidence collection kits (rape kits) and sent to a crime lab for evaluation. The SANE nurse records the victim’s account of the assault and can testify at any legal proceedings.

Both the Boston Police Crime Lab and the State Police Crime Lab report that SANE nurses gather better evidence than non-SANE nurses. Also, having one person maintain control of all of the rape kit evidence before it gets to the lab reduces any chance of errors and makes prosecution of the perpetrator easier. The Massachusetts Department of Health reports that when a SANE nurse is utilized, a guilty verdict is returned 95 to 100 percent of the time.
Appendix B

Investigation/Adjudication Procedures and Protocols for Incidents Involving Students

I. INTRODUCTION:

Congress passed the Higher Education Amendments in 1972, and included within them was Title IX, which states: “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance...” Since 1972, several other federal and Massachusetts state laws have been adopted to offer further protection to those in higher education (i.e., students, staff, faculty, and third parties) from discrimination and harassment based on a person’s sex or gender. Bentley University is firmly committed to establishing an environment free of such discrimination and prohibits such acts, including: sexual harassment, sexual exploitation, sexual harassment including sexual violence (i.e., sexual assault and non-consensual sexual touching, forcible or not), relationship abuse (including domestic violence and dating violence), voyeurism, and stalking.

Additionally, retaliation against anyone who reports an incident of harassment or discrimination listed above, brings forward a complaint, or participates in an investigation of harassment or discrimination is also prohibited. Retaliation is also prohibited against those who, in good faith and reasonable manner, oppose an act or policy believed to constitute sex- or gender-based discrimination. It is the responsibility of Bentley University’s Title IX Coordinator to ensure that inquiries into reports of misconduct described above are made, as well as formal investigations consistent with applicable grievance procedures that are described in the following policy.

Bentley University will always respond to complaints, reports, allegations, and information about sex- and gender-based discrimination that it knows or should know about. These responses will serve to stop prohibited conduct, prevent its recurrence, and address any lingering impact that it had on both individuals and the larger campus community. Bentley also reaffirms the rights of reporting parties to decide whether they wish to be involved in any of the University’s processes to address sex- and gender-based harassment or discrimination. Bentley is also strongly committed to supporting reporting parties through the numerous support services available. The University encourages those who wish to receive confidential support services regarding sex- and gender-based discrimination to seek assistance from staff in the Counseling Center, the Center for Health and Wellness, the Boston Area Rape Crisis Center, and/or seek medical attention.

Responsible employees of the University are required by law to report allegations of sexual harassment and other forms of sex- and gender-based discrimination that they observe or learn about to the Title IX Coordinator. The University has identified its “responsible employees” to include Deans and Directors in the Division of Student Affairs, all staff members in the Office of the Dean of Student Affairs, University Police, and all Residential Center Staff (including Resident Assistants). Employees whose positions legally require confidentiality (i.e., licensed mental health counselors and health professionals) are not responsible employees. If you have a question regarding reporting responsibilities, please contact the Title IX Coordinator.
All employees of Bentley University are strongly encouraged to offer information on how to report such incidents to students and colleagues, as well as report this conduct directly to the Title IX coordinator. Responsible employees who fail to report allegations of sexual harassment and other forms sexual misconduct that they observe or learn about may be subject to disciplinary action. Bentley University is mandated to respond promptly and appropriately to any allegations of sexual harassment or other forms of gender-based discrimination. Under these policies, the university will consider the effects of off-campus conduct for faculty, staff, students, visitors, and community members when evaluating whether a hostile environment was created on campus. Any person responsible for, or involved in, retaliation will be subject to disciplinary action up to and including expulsion or termination.

Additionally, Bentley also seeks to ensure our campus and culture is inclusive for all students, and as such has committed to engaging in several preventative and proactive educational programs and initiatives.

II. PRELIMINARY ISSUES/DEFINITIONS

A. Jurisdiction: Any person may file a complaint of sexual misconduct through this process against a Bentley student who is currently enrolled in the University, regardless of where the alleged Sexual Misconduct occurred. The person filing the complaint is the Reporting Party. The student against who the complaint is filed is the Responding Party. The Reporting Party need not be a Bentley student, although the majority of disciplinary charges brought against Bentley students are brought by other students. If the person bringing the report is not a current Bentley student and/or the alleged conduct did not occur on campus, at a University affiliated location, or at a University sponsored event, the matter will be referred to the Title IX Coordinator (Erin Kelley, 781-891-2329) for a determination regarding whether the University can exercise jurisdiction over the matter. Although there is no geographical limitation to invoking this process, it should be noted that the greater the distance away from campus that the misconduct is alleged to have occurred, the more difficult it may be for the University to investigate and address the conduct. In cases where Bentley has exercised jurisdiction, the University will investigate the incident of sex/gender-based harassment or discrimination to the best of its ability regardless of location.

B. Administrative Investigation/Disciplinary Action: The University may independently initiate a disciplinary investigation/action against a student under this adjudication process, called a “Dean’s Complaint.” In this type of Administrative Investigation or Action, the University will act as the reporting party in the adjudication of a sexual misconduct report against a student. Such reports will proceed under the processes outlined herein and may result in disciplinary action as if the reporting party were a student.

C. Timing of Complaints: There is no time limit for the submission of a complaint alleging Sexual Misconduct. A report received after the semester has ended or during a University break may result in a delay in the adjudication of the report until the beginning of the subsequent semester in which the Responding Party is enrolled. Please note that the University’s ability to provide effective sanctions for violations of this policy is limited once the Responding Party is no longer enrolled at Bentley.
The University reserves the right to initiate adjudication of a report immediately when necessary to protect the interests and safety of the Bentley University community, even when the incident takes place after the end of the semester.

D. Intentional Presentation of False Information: Participants in the Title IX and Gender-Based Discrimination Adjudication Process must present, in good faith, truthful and accurate information to those involved in ensuring a fair process (including Title IX and Deputy Title IX coordinators, Independent Investigators, and the Title IX Hearing Panel). Knowingly making false statements or presenting inaccurate information is unacceptable and will result in a separate disciplinary action regarding that conduct. Please note that filing a report or providing information which a party or witness genuinely believes is accurate, but which is ultimately dismissed due to insufficient evidence or found to be untrue, does NOT constitute the intentional presentation of false information.

E. Reporting Conduct/Leniency: Students may be concerned about reporting Sexual Misconduct believing that their own behavior might subject them to disciplinary action (e.g., a reporting party or witness is underage and was using alcohol or drugs at the time of the incident). Witnesses and reporting parties should be assured that the focus in matters of sexual misconduct is always on the reported behavior, not on whether someone was, for example, using alcohol or drugs at the time. Individuals are encouraged to come forward and report such conduct regardless of the surrounding circumstances. In situations involving allegations of sexual misconduct, Bentley University will seek to make the Sexual Misconduct allegation the primary focus of any investigation or disciplinary action. In such circumstances, the University will exercise leniency regarding secondary conduct violations (e.g. underage drinking) and those issues will not be subjected to adjudication. It should be noted that the use of alcohol or drugs does not excuse sexual misconduct and a person who has been incapacitated through the use of alcohol and drugs (or by any other means) cannot give effective consent to sexual activity.

F. Right to Investigate and Decide Related Matters: The Independent Investigation and the Hearing Panel’s Decision will not be restricted to the violations alleged in the formal report. The Panel reserves the authority to pursue any additional potential violations of University Policy that have been identified through the Title IX and Gender-Based Discrimination Adjudication Process Investigation. The Title IX Coordinator will notify the parties of the new allegations, and will decide whether such allegations will be investigated by the Independent Investigator or will be considered in another student conduct process. In any case, the adjudication of any other violations of Policy outside of the realm of sexual misconduct will not delay the prompt resolution of the pending Title IX report.

G. No Contact Between Participants: When the Title IX coordinator receives a formal report alleging sexual misconduct, a University No Contact Order (also known as a stay-away order) will be issued barring any communication between the Reporting Party and the Responding Party. This Order prohibits any attempt to contact or respond to any communication from the other party, either directly or through others (e.g. friends, family members, attorneys, others). The Deputy Title IX Coordinator for Student Support will work with students involved in the Title IX and Gender-Based Discrimination Adjudication Process to help facilitate the No Contact Order between the parties, so that they may
attend classes and use University facilities as appropriate. A No Contact Order may be extended after the conclusion of the adjudication process at the request of either party. In cases where a demonstrated violation of this Order has been shown, the responsible student may be separated from the University pending the final resolution of the adjudication process. Bentley Police are able to provide information and assistance to students who wish to seek a protective order from the courts.

H. Interim Support Measures: The University will not automatically restrict a student from attending classes or participating in other University activities on the basis of a formal report pending in the Sexual Misconduct Adjudication Process. However, the University does reserve the right to impose interim remedial measures at any time upon learning of an allegation of sexual misconduct, if the University has concerns about the safety of the Bentley community. Such measures may include, but are not limited to, restrictions regarding movement on campus, removal from University housing and/or removal from campus. The decision to impose interim support measures is made at the discretion of the Title IX coordinator. The University will also enforce any orders that are issued by the Courts of the Commonwealth of Massachusetts.

I. No Retaliation: Retaliation against anyone who brings forward a report of sexual misconduct, or who participates in this adjudication process in any manner is strictly prohibited. Retaliation is also prohibited against anyone who opposes, in a reasonable manner, an act or policy believed to constitute a violation of the Title IX and Gender-Based Discrimination Policy. Retaliation includes things like hostility, intimidation, threats, exclusion or in any way discriminating against an individual because of the individual’s complaint or participation in this process. Anyone responsible for retaliation or threats of retaliation, whether that person is the reporting party or another person, will be subject to disciplinary action by the University. A party may also be responsible for retaliation by someone affiliated with them (i.e., a friend or family member). Retaliation should be reported promptly to the Title IX Coordinator (Erin Kelley, 781-891-2329). Retaliation by a person not affiliated with the University may be addressed by the police.

J. Witnesses: The Reporting and Responding Parties have the right to identify any individuals who may be witnesses to the conduct alleged in a formal report. The parties should be aware that it is possible for both the Reporting and Responding Parties to list the same people to speak as witnesses on their behalf. Witnesses should only be encouraged to cooperate and to speak the truth. Witnesses should not be intimidated, threatened, or improperly influenced in any way by either party or through others (e.g. friends, family members, attorneys, others). Any attempt to threaten, intimidate or the otherwise improperly influence the testimony of a witness will result in a separate disciplinary action by the University. The Investigator will attempt to contact and interview any witnesses identified by the parties that the Investigator deems to be relevant to the resolution of the formal report.

K. Support Person: Students involved in the Title IX and Gender-Based Discrimination Adjudication Process as Reporting or Responding Parties may be more comfortable navigating the process with the help of a support person. A support person is someone whom the student trusts to provide advice and support during the process. A support person can be any person the student feels comfortable confiding in, and need not be affiliated with the University (i.e. a friend, a family member, a person from
a support or advocacy agency). A support person may accompany the student to any part of the adjudication process, including any meetings with the Title IX Coordinator (or Deputy Coordinator), Hearing Panel, and Investigator. The support person does not participate in the process and, as such, cannot be a witness to the allegations in the complaint. A support person must agree to maintain the confidentiality of the process.

L. Confidentiality: Any information or written material related to a formal report filed under the Title IX and Gender-Based Discrimination Adjudication Process will be treated as confidential. Disclosure of such information by parties or witnesses to anyone other than the Title IX (or Deputy) Coordinator, the Panel, the Investigator, legal counsel, support persons, clergy, and/or confidential counselors is strictly prohibited and may subject the person responsible for the disclosure to disciplinary action. Although discretion will remain important, the parties are not restricted from discussing and sharing information relating to their complaint with others that may support them or assist them in preparing their report. However, please note that parties will be required to disclose the names of any person to whom such confidential information will be shared. Any person with whom such confidential information is shared will be required to maintain confidentiality. The Investigator, the Panel, legal counsel, support persons, clergy, confidential counselors and any other authorized person with whom a student has shared disciplinary case materials are prohibited from disclosing that information to others without the express written permission of the Title IX Coordinator. Any disclosure of confidential information without written permission may subject the student who made the initial disclosure to disciplinary action. Accordingly, students should carefully consider the persons with whom they share information. Reporting and Responding Parties shall not share their statements with anyone not authorized to see it, at any time during the process. These confidentiality obligations are intended to help protect the privacy of all participants, as well as the integrity of the disciplinary process. Participants should be aware that the University maintains the discretion to share confidential information internally, if necessary, to comply with its obligations regarding campus safety and Title IX. If a student participant in this process is also enrolled in another institution, the University may be required to disclose information regarding the pending report to that organization. In either situation, such disclosures will be made in the most limited manner possible and the recipients will be advised that the information must be maintained in a confidential manner.

Confidentiality will remain in full force even after the conclusion of the disciplinary case, with the exception of generic reporting of the case in the University’s annual unified crime report. In some instances, the Responding Party can be spoken to without the Reporting Party being identified and without filing or moving forward with a formal report. In these instances the privacy and confidentiality of the individual raising a concern will be protected to the extent possible. In other cases, issues of confidentiality must be balanced against the University's need to investigate and to take appropriate action.

Students with questions or concerns about the persons with whom they may disclose information should consult with the Title IX Coordinator (Erin Kelley, 781-891-2329) or the Deputy Title IX Coordinator for Student Support (Alex Hirs, 781-891-2364).
M. Attorneys: Although not necessary, the Reporting and Responding Parties have the right to seek the assistance of a private attorney, at their own expense, regarding a formal report. An attorney for a party may inquire with the Title IX Coordinator regarding the pending complaint.

N. Criminal Conduct: When a formal report involves allegations which may also constitute criminal conduct, participants are advised to seek legal counsel before making any written or oral statements. This Title IX and Gender-Based Discrimination Adjudication Process does not attempt to create a courtroom environment and attorneys for students are not permitted to actively participate in the process. However, participants should seek legal advice about how this disciplinary process could impact any criminal case in which they are or may become involved.

The University will conduct its own investigation and adjudication of a formal report, regardless of whether the alleged misconduct is also being pursued through the criminal justice system. The University will attempt to comply with law enforcement requests for cooperation. At times, that cooperation may require the University to temporarily suspend its independent investigation while law enforcement gathers evidence. The University will promptly resume its independent investigation as soon as it is notified that doing so would not impede any law enforcement activities.

O. Admissibility of evidence: The Independent Investigation process is intended to arrive at the truth of the matter, without the formalities associated with rules and procedures specifically designed by lawyers to manage courtroom litigation. Students can address issues and present documents to the Investigator without concerns about admissibility. It should be noted that if the Investigator determines that the issues raised and/or documents presented are relevant and probative of whether the alleged conduct occurred, then, in the interest of fairness, that information will be disclosed to the opposing party.

1. Sexual History: In a case of sexual misconduct, the past sexual history of the Reporting and/or the Responding Party or either party’s sexual history with others will NOT be used in determining whether the alleged misconduct occurred. Prior consensual sexual activity between the two parties will not be determinative of the issue of consent in the pending formal report. Consent to one sexual act does not constitute consent for another sexual act.

2. Medical and Counseling Records: The use of medical and/or counseling records in the Adjudication Process is rare. Medical and counseling records are privileged and confidential documents that students will never be required to disclose in this Process. “Privileged” means that these documents cannot be shared with anyone other than the treating professional unless the patient agrees to disclosure. Students should be aware that there are legal implications to agreeing to produce privileged records. Students are encouraged to seek advice from a knowledgeable source about the possible consequences of releasing this information. A Reporting/Responding Party who, after due consideration, believes that their own medical or counseling records would be helpful in determining whether sexual misconduct occurred, has several options for voluntarily presenting this information:
a. The Reporting Party can voluntarily decide to present their own medical or counseling records to the Independent Investigator as part of the documents which they would like to have the investigator consider in conducting their investigation. Please note that if a party decides to produce such records, they must be produced in their entirety. The production of excerpts or selected documents is inappropriate and will not be considered.

b. On occasion, the Investigator may ask the Reporting Party to voluntarily agree to provide these records if the Investigator believes that such documentation exists and that it would be helpful in conducting their investigation. A party is under no obligation to provide this information and may simply say “no” to this request. A party has a right to refuse to provide these records and that refusal is completely acceptable.

Prior to responding to such a request, a party is encouraged to consult with their support person about the implications of agreeing or denying the request. Please note that if a party does decide to produce such records, they must be produced in their entirety. The production of excerpts or selected documents is inappropriate and will not be considered.

c. The Investigator may ask a Reporting or Responding Party to voluntarily provide a verification of therapeutic or medical services to confirm simply that such treatment occurred, but not providing any details regarding that treatment. On rare occasions, a person may be in possession of the medical and/or counseling records of another party or witness. Such records can only be presented to the Investigator under the following circumstances: (i) the person can show that the records are relevant to the pending formal report; (ii) the person can document or otherwise prove that the records were legally obtained; and (iii) the records can be authenticated. Failure to meet any of these conditions means that the records will not be considered in the determination regarding the alleged misconduct.

P. Parental Notification: Since the University views students as adults, parents and guardians will not be notified when a formal report is filed under the Title IX and Gender-Based Discrimination Policy. Students are encouraged to inform their parent(s) or guardian(s) if they are involved in a disciplinary action and should refer them to the Title IX Coordinator if they have questions. If, at the conclusion of the adjudication, a student is separated from the University or University Housing, the University generally will attempt to inform that student’s parent(s) or guardian(s) at the time such discipline is imposed.

Q. Title IX: Under state and federal law, including Title IX, Sexual Misconduct (which includes sexual harassment, sex/gender discrimination, sexual exploitation, rape, sexual assault and/or relationship violence or stalking) is prohibited. Definitions of this conduct and options for addressing this conduct are included in the Title IX and Gender-Based Discrimination policy. Pursuant to its obligations under the law, including Title IX, the University will make an inquiry into all allegations of sexual misconduct of
which it becomes aware, regardless of whether a formal report has been filed. The Independent Investigator act as the neutral fact-finding body responsible for making inquiries into allegations of conduct that may violate Title IX. As such, it is possible that the parties may have been interviewed by an Independent Investigator prior to a formal complaint having been filed. An Independent Investigator that has been vetted by the University will be retained for all cases of sex/gender-based harassment and/or discrimination brought under this Adjudication Process. Upon the initiation of an Independent Investigation by the Title IX Coordinator under this process, the Independent Investigator will review any information previously obtained through an inquiry (if made), in light of the information provided through the statements of the parties regarding the report. The Independent Investigator will then conduct any additional investigation that is necessary to address the allegations of the report. The Investigator will include all relevant findings from the investigation in the Investigation Report submitted to the Title IX Hearing Panel. Investigations will only be conducted by investigators who have been specially trained to address issues of sexual misconduct and who are otherwise knowledgeable about investigating and analyzing Title IX complaints.

R. Title IX Hearing Panel: Under Title IX and Gender-Based Discrimination Adjudication Process, the final decision regarding the complaint will be made by a Panel of three trained individuals. This Hearing Panel will consist of three administrators from within the University. These panelists will be chosen from a pool of administrators, all of whom will be specially trained in the adjudication of sexual misconduct. The panelists from this pool will be chosen by the Title IX Coordinator. Either party has the right to raise any concerns he/she may have regarding a possible conflict of interest with any of the Hearing Panel members who have been assigned to the matter. In the event that one of the members has a conflict of interest, they may recuse themselves from the Panel. The Title IX Coordinator will then choose another trained Panel member to sit in the place of the original panelist. The Title IX Coordinator will select a Hearing Panel Chair. Decisions regarding the composition of the Panel are made at the sole discretion of the Title IX Coordinator. An effort will be made to have the Panel be reflective the demographics/identities of the parties, if known.

III. THE ADJUDICATION PROCESS

A. Filing a Formal report
   1. Reporting Party’s Statement
   2. Confidentiality/ Non-Retaliation Acknowledgment

B. Responding to a Formal Report
   1. Initial Meeting
   2. Confidentiality/Non-Retaliation Acknowledgment
   3. Responding Party’s Statement
This is the adjudication process under which allegations of sexual misconduct, including sexual assault, will be resolved. Under ordinary circumstances during the academic year, this Adjudication Process should be completed within 60 days from the receipt of the formal report. Formal reporting options can be found in section IX of the Title IX and Gender-Based Discrimination policy. Students also may have legal remedies available outside of Bentley, including filing charges with the police, filing a civil action and/or filing an administrative action. Bentley University recognizes that the decision about whether to bring a formal report against another student can be complicated and challenging. Nevertheless, students should know that all complaints will be taken seriously and will be investigated.
A. Filing a Formal Report

A person who has experienced an incident of sexual misconduct including sexual harassment, sex/gender discrimination, sexual assault, relationship violence, stalking, sexual exploitation, and/or any other sexual misconduct committed by a Bentley student may file a complaint against a student responsible for that conduct.

Reports should be filed with either:

Erin Kelley  
*Title IX Coordinator*  
Director of Student Conduct and Development  
Lewis Hall 216  
781-891-2329

Alex Hirs  
*Deputy Title IX Coordinator for Student Support*  
Assistant Director of Gender Equity and Development  
Lewis Hall 215  
781-891-2364

The individual bringing the allegation is called the Reporting Party. The Reporting Party is welcome to bring a support person with them to any meetings with the Title IX or Deputy Title IX Coordinator.

1. Reporting Party’s Statement: To file a formal report against a student, the Reporting Party must submit an initial, written statement detailing the allegations of the misconduct. This statement is the first opportunity for the Reporting Party to describe the allegations against the Responding Party. The statement should communicate the Reporting Party’s full account of the event and its context, as well as the Reporting Party’s reflections. To facilitate the process, the Reporting Party should:

   - Tell the story in full. Relate in full the facts of the incident as you recall them. Take care to distinguish between what you saw, heard, or experienced first-hand from what you may have learned later from others.

   - Describe the context. It is important for you to give your perception of the Responding Party’s conduct and the context in which the alleged incident occurred, including its location, and any witnesses to it.

   - Reflect on the event. It is helpful for you to provide any conclusions you have drawn about the incident, stating clearly why you believe the Responding Party’s actions may have violated University policy or the Code of Conduct.

The Reporting Party’s Statement should include the name of the accused student, the date and location of the alleged sexual misconduct and the details of the alleged misconduct. This
statement should provide as much detail as possible about the facts surrounding the alleged sexual misconduct.

A descriptive list of all sources of information (e.g., witnesses, correspondence, records, etc.) should be included in the Reporting Party’s Statement. This list should include information which the Reporting Party believes should be considered in deciding disciplinary action, along with a brief explanation of why this information would be relevant and helpful to the process. Please identify the sources and/or location of this supporting information but do not attempt to obtain this information yourself. The Independent Investigator will solicit any relevant statements or documents referenced through this process.

The Reporting Party’s Statement is one of the most important documents to be considered in the Adjudication Process. Once submitted, the Reporting Party’s Statement may not be amended. The statement must be written by the Reporting Party.

It is unacceptable for a Reporting Party to submit a statement written by others, including parents, support persons, or attorneys. However, Reporting Parties are encouraged to share a draft of the statement with a support person who is well-positioned to discuss, among other matters, the statement’s style, organization, length, and clarity, while also anticipating questions it may raise for the Independent Investigator.

The accused student, or Responding Party, will not be allowed to see the Reporting Party’s Statement until the Independent Investigator has concluded their investigation.

2. Confidentiality/Non-Retaliation Acknowledgment: The Reporting Party will be required to not disclose or discuss anything relating to the formal report with anyone other than those authorized to see such information under this process. The Reporting Party will still be able to discuss the facts underlying the subject the formal report with counselors, clergy, other therapeutic professionals and family. The Reporting Party should refrain from discussing the formal report itself and/or the adjudication process with anyone affiliated with Bentley. This is to preserve the integrity of the investigative process and also to prevent allegations of retaliation. Through this Acknowledgment, the Reporting Party also agrees to refrain from any retaliatory conduct against the Responding Party or any witnesses in the matter, as discussed under Section II, Paragraph I., and may be responsible for any retaliation by persons affiliated with the Reporting Party (i.e., a friend or family member).

B. Responding to a Formal Report

The person against whom the formal report is brought is called the Responding Party. The Responding Party shall be given written notification when a formal report has been filed against them.

1. Initial Meeting: Notice that a Formal Report has been filed against a Reporting Party will be provided to that student in person. The Responding Party is welcome to bring a support person by either the Title IX Coordinator or Deputy Title IX Coordinator. At this meeting, the Title IX or
Deputy Title IX Coordinator will discuss the nature of the complaint, explain the rights and responsibilities of the Responding Party, explain the prohibition against retaliation, explain the Investigation and Adjudication Process and give the Responding Party a copy of the relevant policies.

2. Confidentiality/Non-Retaliation Acknowledgment: The Responding Party is required to adhere to the Confidentiality/Non-Retaliation Acknowledgment, agreeing not to disclose or discuss anything relating to the formal report with anyone other than those authorized to see/hear such information under this process. Through this Acknowledgment, the Responding Party also agrees to refrain from any retaliatory conduct against the Reporting Party or any witnesses in the matter, as discussed under Section II, Paragraph I., and may be responsible for any retaliation by persons affiliated with the Responding Party (i.e. a friend or family member). Refusal/failure by the Responding Party to meet and cooperate with the Title IX or Deputy Title IX Coordinator or Independent Investigator regarding this matter or to abide by the Confidentiality/Non-Retaliation Acknowledgment, as determined by the Title IX Coordinator, may result in either (1) a suspension of the Responding Party from the University and/or (2) the adjudication of the formal report without input from the Responding Party.

3. Responding Party’s Statement: Like the Reporting Party, the Responding Party will be asked to provide a written response to the nature of the complaint. The Responding Party’s Statement must be submitted to the Independent Investigator. The Responding Party’s Statement should contain the Responding Party’s full recollection of the alleged incident. This statement is the Responding Party’s first opportunity to respond to the allegations made by the Reporting Party. The statement should communicate the Responding Party’s recollection of the event and its context, as well as the Responding Party’s reflections:

- Tell the story in full. Relate in full the facts of the incident as you recall them. You should take care to distinguish between what you saw, heard, or experienced from what you may have learned later from others.

- Describe the context. It is important for you to give your perception of the conduct and the context in which the alleged incident occurred, including its location, and any witnesses to it.

- Reflect on the event. It is helpful for you to provide any conclusions you have drawn about the incident, stating clearly why you believe that your actions have not violated University policy.

A descriptive list of all sources of information (e.g., witnesses, correspondence, records, etc.) should be attached to the Responding Party’s Statement. This list should include information which the Responding Party believes should be considered in deciding the disciplinary action, along with a brief explanation of why this information would be relevant and helpful to the process. Please identify the sources and/or location of this supporting information but do not
attempt to obtain the information yourself. The Independent Investigator will solicit relevant statements or documents referenced through this process.

The Responding Party’s Statement will be one of the most important documents to be considered in the Adjudication Process. Once submitted, the Responding Party’s Statement may not be amended. The statement must be written by the Responding Party. It is unacceptable for a Responding Party to submit a statement written by others, including parents, support persons, or attorneys. However, Responding Parties are encouraged to share a draft of the statement with a support person who is well-positioned to discuss, among other matters, the statement’s style, organization, length, and clarity, while also anticipating questions it may raise for the Investigator. The Responding Party will be required to acknowledge that they wrote the Responding Party’s statement.

C. Independent Investigation

After both parties have submitted their statements, Title IX Coordinator will initiate an Investigation, utilizing neutral, external investigators retained by Bentley. These investigators have been vetted by the University, and determined to be free from bias, and well-trained in conducting Title IX investigations.

It is the responsibility of the Investigator, not the parties, to gather the evidence relevant to the formal report and the facts raised in the parties’ statement, to the extent reasonably possible. During the course of the investigation, the Investigator may utilize some or all of the following procedures, in whatever order the Investigator deems most appropriate. The scope of the Independent Investigation will not be limited to information provided by the parties or to the violations outlined in the formal report. In all cases, the Investigator will conduct an adequate, reliable, and impartial investigation into the allegations of the report, reviewing all evidence deemed to be relevant. Parties and Witnesses will make themselves reasonably available to the Investigator. The Bentley Beliefs compel all students to act with integrity and honesty in their academic, personal, and professional lives. Students who refuse to cooperate with the Investigator in the Independent Investigation, as determined by the Title IX Coordinator, are in opposition of this core belief and may face disciplinary action for their refusal to cooperate.

1. Document Review: Once statements have been submitted by the parties, the Investigator will review the statements and all of the supporting material referenced. The Investigator will then attempt to obtain any documents or other materials deemed relevant to the investigation. Any documents or information deemed to be material to the findings regarding the formal report, or any other violations will be disclosed to both parties for comment or rebuttal.

2. Party Interviews: The Investigator will interview the Reporting Party and the Responding Party separately. This meeting is an opportunity for the participant to discuss their recollection of the event in question, supplement any written statements already submitted, voice any concerns, and to work with the Investigator to determine what information may helpful in the investigation of the allegations. Parties may also discuss the impact that this experience has had on them. The Investigator may interview the parties more than once, as necessary. The
Reporting Party’s or Responding Party’s support person may accompany them to all the meetings with the Investigator but may not participate in the conversation. Prior to sitting in on any interviews, the support person will be required to agree to a Confidentiality/Non-Retaliation Acknowledgment, agreeing not to disclose or discuss anything relating to the formal report with anyone other than those authorized to see or hear such information under this process. At the conclusion of the interview, participants are permitted to make an optional closing statement.

3. Witness Interviews: The Investigator will attempt to contact and interview any witnesses identified by the parties that the Investigator deems to be relevant to the resolution of the formal report. The Investigator may also interview any other persons which he or she finds to be potentially relevant to this matter. Witnesses may request from the Title IX or Deputy Title IX Coordinator a University Support person to be present with them during their interview. Prior to being interviewed, a witness will be required to agree to a Confidentiality/Non-Retaliation Acknowledgement, agreeing not to disclose or discuss anything relating to the formal report and their interview with anyone. Through this Acknowledgment, the witness will also agree to refrain from any retaliatory conduct against the parties or any witnesses in the matter, as discussed under Section II, Paragraph I., and may be responsible for any retaliation by persons affiliated with them (i.e., a friend or family member). The Investigator will employ best efforts to interview relevant witnesses who are no longer on campus or in the Boston area, attempting to contact them by phone or internet.

4. Expert Witnesses: The Investigator reserves the right to consult with any experts which they deem necessary to the determination of the facts of this case. An expert witness could be consulted to review or provide a professional opinion regarding evidence discovered in the Independent Investigation.

D. Investigation Report

Once the Independent Investigation has been completed, the Investigator will evaluate the information obtained during this process. The Investigator will prepare a report summarizing and analyzing the relevant facts received through the Investigation, noting any supporting documentation or statements. The Investigator may draw conclusions regarding the credibility of all testimony and the reliability of documentation. The Investigator will present the Investigation Report to the Hearing Panel. Under ordinary circumstances, the Investigation Report should be submitted to the Hearing Panel within 15 days after the completion of the Independent Investigation. Both the Reporting and Responding Parties will be allowed to review the Investigation Report prior to the Hearing Panel’s Conference. Students and their support person will be allowed to view the Investigation Report in the presence of the Deputy Title IX Coordinator or designee.

E. Final Statements at the Hearing Panel Conference

Reporting and Responding Parties will be provided the opportunity to provide separate final statements at the Hearing Panel Conference (which will typically take place within 15 days after the conclusion of the Independent Investigation). The Reporting Party, if they choose, will provide their statement first,
and the Responding Party will speak the Hearing Panel last (if they choose to provide an individual statement). At this time, each party will have an opportunity to comment on and respond to the information presented and provide any additional information that may not have been reviewed by the Investigator but should be considered prior to a decision being rendered regarding the formal report. The parties must provide any rebuttal statements, documents or other new information regarding the sources of potentially relevant information and/or witnesses, in writing to the Title IX Coordinator, within 72 hours of the Hearing Panel Conference.

F. Supplemental Investigation Procedures

After meeting with the parties and reviewing any additional information submitted for consideration, the Panel may determine that additional inquiry is needed in order for a decision to be rendered regarding the formal report. If so, the Hearing Panel Chair will ask that the Investigator conduct a Supplemental Investigation regarding the areas of concern. The Investigator will focus any additional investigation on the specific inquiries made by the Hearing Panel. The Investigator will then prepare and submit a Supplemental Investigation Report addressing the findings as to the issues raised by the Hearing Panel. Under ordinary circumstances, any additional investigation and Supplemental Investigation Report should be completed and submitted to the Panel within 30 days of the request for the Supplemental Investigation. The Hearing Panel Chair reserves the right to schedule a subsequent Hearing Panel Conference to address the findings from the supplemental investigation with the parties separately, should the Panel feel, at its discretion, that such a meeting would be helpful to the process.

G. Withdrawal/Acceptance of Charges

1. Reporting Party May Withdraw the Report: Prior to the Hearing Panel’s Decision, the Reporting Party may withdraw the formal report. Withdrawal of the report will, under most circumstances, end the Adjudication Process for that complaint. Once a report has been withdrawn, it cannot be filed again by the Reporting Party within this Process. The University reserves the right to move forward with the formal report, even after the Reporting Party decides to withdraw it, at the request of the Responding Party or in order to protect the interests and safety of the Bentley community.

2. Responding Party May Accept Responsibility: Prior to the Hearing Panel’s Decision, the Responding Party may accept responsibility for the misconduct alleged in the formal report. This acceptance, under most circumstances, will end the Adjudication Process and the matter would then be referred to the Hearing Panel to decide the issue of the appropriate disciplinary action against the Responding Party. The Panel may take the Responding Party’s acceptance of responsibility into consideration in determining the appropriate sanction. Once the Responding Party accepts responsibility, such acceptance cannot be withdrawn. A written finding of the accepted complaint and the resulting disciplinary action will be issued by the Panel, which will become part of the Responding Party’s student records and will be shared with the Reporting Party.
3. Responding Party May Withdraw: At any time up until three (3) days after the Hearing Panel Conference, the Responding Party has the right to withdraw as a student from Bentley University. In such a case, the Responding Party will leave the University with the notation “Student Withdrew with Disciplinary Charges Pending” on their disciplinary record. After withdrawing, the Responding Party will not be eligible to return to the University. A Responding Party’s withdrawal will end the Adjudication Process for that complaint. On the fourth (4th) day after the Hearing Panel Conference, the Responding Party will no longer be allowed to withdraw, as the pending Panel’s Decision and disciplinary action will determine his/her status with the University. Under certain circumstances, and at the discretion of the Panel, the time period for the Responding Party to withdraw may be extended if a Supplemental Fact-Finding Investigation has been requested by the Panel. In that case, the Responding Party’s right to withdraw would expire three (3) days after any subsequent Hearing Panel Conference is held, or after notice that a subsequent Hearing Panel Conference will not be scheduled.

H. Panel’s Decision

Upon determining that all of the issues regarding the formal report have been fully investigated and adequately addressed, the Hearing Panel will issue its Decision. The decision will be made on the preponderance of the evidence standard – that is whether the facts presented in the Investigation Report support a finding that it is more likely than not that University policy has been violated. The decision of the Panel will be reached by a majority. The Hearing Panel will base its decision solely on the information presented in the Investigation Report and any Supplemental Investigation Report. Under ordinary circumstances, the Hearing Panel’s Decision will be issued, in writing after the Decision Conference and/or the receipt of any Supplemental Investigation Report. The Panel Chair will draft the Panel’s written decision and submit it to the Title IX Coordinator.

The Panel may issue the following decisions to a formal report:

- A finding that a University policy was violated. The Panel will then impose the appropriate disciplinary action.

- A finding that a University policy was not violated as there is insufficient information to substantiate the allegations of the formal report. The Panel will then dismiss the formal report.

Once the Panel’s Decision has been issued, both the Reporting Party and the Responding Party will be notified by the Deputy Title IX Coordinator. Each party will meet with the Deputy Title IX Coordinator and/or the Title IX Coordinator separately to receive a copy of the Panel’s Decision, referencing the supporting information that the Hearing Panel relied on from the Investigation Report. The Hearing Panel’s Decision is a confidential document that can only be shared with authorized persons as noted in this process (i.e., support persons, attorneys, counselors, or clergy). Anyone disclosing the Panel’s Decision to a person not authorized to see it shall be subject to disciplinary action. If the Hearing Panel’s Decision results in disciplinary action which includes separation from campus, that sanction will be imposed immediately, regardless of whether an appeal has or will be filed. The Title IX Coordinator has
the discretion to allow a Responding Party to complete any pending coursework remotely, if deemed appropriate by the faculty members involved.

I. Appellate Process

Both the Reporting Party and Responding Party are entitled to appeal a Hearing Panel’s Decision issued through the Adjudication Process. The person filing the appeal is the Appellant. An appeal must be filed, in writing, within ten (10) business days of their meeting with the Deputy Title IX Coordinator and/or the Title IX Coordinator. To submit an appeal, an appellant should send a letter to the Appellate Administrator, the Vice President of Student Affairs or their designee, outlining their reason for appeal. The opposing party will be notified if an appeal has been filed. In some situations, both parties may file an appeal. In this situation, the Appellate Administrator will consider and review both appeals together.

The appeal letter should be delivered to:

J. Andrew Shepardson, Ph.D.
Vice President of Student Affairs/Dean of Students
Rauch Administration Building
Bentley University
Waltham, MA 02452

The appeal will be considered by an impartial and well-trained administrator who was not part of the initial Decision-Making Panel. In considering the appeal, the Appellate Administrator will be given the appeal, the statements of the Reporting Party and Responding Party, and the Panel’s Decision to review.

There are only three grounds on which a Panel’s Decision can be appealed:

1. Procedural Error: The Appellant alleges that there was a deviation or change from the procedures outlined in the Adjudication Process Policy which adversely impacted the outcome of the matter.

2. New Evidence: The Appellant alleges that, subsequent to the issuing of the Hearing Panel’s Decision, new evidence became available which would have impacted the outcome of the formal report. The Appellant must: (i) present the new evidence; (ii) show why it was unavailable prior to the Hearing Panel’s Decision; and (iii) show that the new evidence could have altered the outcome of the complaint. The opposing party will be given an opportunity to rebut these assertions by the Appellant. If the Appellate Officer determines that there is evidence that meets these requirements, it will remand the matter to the Hearing Panel for investigation and review in light of the new evidence.

3. Severity of The Disciplinary Action: The Appellant alleges that the sanctions imposed are too harsh or impose an undue hardship.

The written appeal must specifically state the grounds under which the appeal has been filed and must be submitted within the 10 day time limit after their meeting with the Deputy Title IX Coordinator and/or the Title IX Coordinator. The appeal must set forth the information/evidence to support the
appeal. Appeals which do not comply with these requirements may not be considered. The appeal is not an opportunity to argue that the initial decision was wrong. The appeal is not a new fact-finding process. Once the appeals process has been complete, the final decision will be provided to both parties.

J. Conclusion of the Case

1. The Title IX Coordinator will maintain investigative files for purposes of Title IX compliance. Any and all documents retained at the conclusion of a formal or informal resolution of a complaint will be maintained by the University in a safe and confidential manner.

2. Internal Reporting: Once a final resolution has been reached, whether through a Hearing Panel Decision or by acceptance of responsibility, that disciplinary decision, if it includes a suspension or expulsion, will become a permanent part of the Responding Party’s student records. As such, the outcome of this disciplinary adjudication may be available to other administrators within the University for their review if needed.

Components of this document have been adapted from Tufts University’s Sexual Misconduct/Sexual Assault Policy.
## Resources: People Who Can Help

Faculty and staff members on campus have different roles and responsibilities in reporting information should a student disclose an act of sexual misconduct. Please pay close attention to both confidential and responsible employees, as they have markedly different duties for reporting information. The list of responsible employees is up to date as of September 1, 2014.

### Confidential Employees
- These staff members are **not required to report** any information about an incident without a student’s permission.

### Limited Reporters
- These staff members can generally talk to a student without revealing any personally-identifiable information about an incident. A student can seek assistance and support from these individuals without triggering a University investigation that would reveal the student’s identity or the fact that the student has disclosed the incident.

### Responsible Employees
- These employees **have the duty to report** incidents of sexual violence or other student misconduct. If a student tells a responsible employee about an incident of sexual violence, the student has the right to expect the University to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.
- A responsible employee must report all relevant details about the alleged sexual violence shared by the student, including the names of all students involved; the nature of the alleged incident; and the date, time, and specific location of the alleged incident.
- To the extent possible, information reported to a responsible employee will be shared only with people responsible for handling the University’s response to the report. A responsible employee should not share information with law enforcement without the student’s consent.

### Responders
- These individuals, including most faculty and staff on campus, are encouraged to notify the University when a student reports an incident of sexual violence or misconduct, especially if there is cause for fear of a person’s safety. These individuals consist of those without supervisory responsibility or authority to address sexual misconduct.
- **If you are unsure of someone’s duties and ability to maintain your privacy, ask them before you talk to them.**
## Resources: People Who Can Help

For more information regarding resources and support, please contact:
- Erin Kelley, Title IX Coordinator: 781-891-2329 | ekelley@bentley.edu
- Alex Hirs, Deputy Title IX Coordinator for Students: 781-891-2364 | ahiirs@bentley.edu

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<thead>
<tr>
<th>Confidential Employees</th>
<th>Limited Reporters</th>
<th>Responsible Employees</th>
<th>Responders</th>
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<tr>
<td>• Staff members in the Counseling Center</td>
<td>• Jessica Greher Traue, Center for Health and Wellness</td>
<td>• All resident assistants (RAs)</td>
<td>• Most faculty and staff members</td>
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<td>• Clinicians, physicians, and nurses in the Center for Health and Wellness</td>
<td>• Lauren Salmo, Center for Health and Wellness</td>
<td>• The Office of the Dean of Student Affairs</td>
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<td>• Ordained ministers, clergy members, and pastoral counselors in the Office of Spiritual Life</td>
<td>• Non-ordained ministers and lay administrators in the Office of Spiritual Life</td>
<td>• The Residential Center</td>
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<td>• All Deans and Directors in the Division of Student Affairs</td>
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<td>• University Police</td>
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