

# CAMPUS SECURITY AND FIRE SAFETY REPORT

2021



**BENTLEY**  
UNIVERSITY

**NONDISCRIMINATION** Bentley University does not discriminate in admission or access to or treatment or employment in any of its educational programs or activities, including scholarships, loans and athletics, on the basis of race, color, religion, sex, sexual orientation, gender identity and/or expression, marital status, age, national origin, citizenship status, disability, genetic information, military or veteran status. Bentley University maintains and supports affirmative action plans for its workplace in compliance with federal law. Equal opportunity extends to all aspects of the employment relationship, including hiring, promotions, training, working conditions, compensation and benefits. Bentley University's policies and practices reflect the university's commitment to nondiscrimination in all areas of employment. The university complies with Title VI of the Civil Rights Act, Title IX of the Education Amendments, Section 504 of the Rehabilitation Act and the Americans with Disabilities Act, and Revenue Procedure 75-50 prohibiting such discrimination. Anyone believing that he or she has experienced adverse treatment may register a complaint with George Cangiano, Vice President and Equal Opportunity Officer, at 781-891-2640 or to the Title IX coordinator, Elizabeth Humphries 781-891-2225.

## From the Chief of Police



Hello and welcome to the Bentley University Annual Campus Security and Fire Safety Report. Within, you will find important information regarding campus safety, crime prevention and reporting, the RAVE emergency notification system, and various programs offered by our police department. Additionally, in compliance with the Jean Clery Act, you will find the last three years of data specific to crime and fire safety on our campus.

The men and women of the Bentley University Police Department are highly trained and strongly dedicated to maintaining a safe campus environment for all. We recognize that we cannot do it alone and the best way to accomplish this, is through a collaborative effort by our police department and our community members. Each of us must assume an active role by reporting safety concerns, suspicious/criminal activity, and taking precautions to prevent ourselves and others from being victimized. Together, we can continue to maintain a very low crime rate and the consequential feelings of safety and security.

I would encourage you to review the contents of our annual report. If you have any questions or suggestions, feel free to contact me or a member of my team. Stay safe and healthy!

Sincerely,

A handwritten signature in black ink, appearing to read "F. G. Bourgeois". The signature is stylized and written in a cursive-like font.

Francis G. Bourgeois  
Chief of Police

# Table of Contents

Security Awareness and Crime Prevention	3
Drug and Alcohol Policies	6
Sexual Assault, Domestic/Dating Violence, Stalking Policies	7
Registered Sex Offender Information	8
Community Responsibility	9
Personal Safety Tips	9
Reporting Criminal Actions or Emergencies	11
Law Enforcement Authority and Interagency Relationships	12
Access to Campus Facilities	14
Maintenance and Security of Campus Facilities	14
Crime Reporting	15
Crime Definitions and Statistics	16
Criminal Offenses/Arrests and Referrals/Hate Crimes	21
Procedures for Missing Students Residing on Campus	23
Emergency Response and Evacuation Procedures	24
Annual Fire Safety Report	26
Evacuation Meeting Areas Map	36
Gender-Based Harassment and Discrimination Policy	38
Important Telephone Numbers	117
Police Call Box Map	118

The information in this booklet is provided as part of the university's commitment to campus safety and security, and to meet compliance standards set forth in the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. Bentley University is an institution of higher education containing one main campus of approximately 163 acres within the Waltham, Massachusetts, city limits. Approximately 5,500 students are enrolled in courses at Bentley University, and 1,200 faculty and staff support the institution.

## Security Awareness and Crime Prevention

Like most other colleges, universities and municipalities, Bentley strives to be proactive rather than reactive — to prevent crimes from occurring. A primary vehicle for accomplishing this goal is the department's crime prevention program. Whenever possible, crime prevention programs are conducted in concert with educational programs sponsored by university organizations. The university's crime prevention program takes a two-part approach to the prevention of crime and criminal misconduct. It is designed to eliminate or minimize opportunities for crime on campus, and to create an atmosphere in which students and other community members become more responsible for their own security and the security of others. Following is a list of programs and services provided by the University Police Department to promote crime prevention awareness.

**EMERGENCY NOTIFICATIONS:** In the case of a major crisis or catastrophic event, Bentley can alert the community through an emergency notification system that is capable of delivering information regarding the crisis and providing instructions as to what steps to take to ensure safety. The system allows for emergency notification via campus email, siren system, classroom notifications, and office, home, and cell phone numbers (including text messaging). Alerts will also be posted on the Bentley website.

**SAFETY ESCORT SERVICE:** Members of the Bentley community may request a safety escort from one campus location to another whenever there is a concern for their safety and security on campus. Personal safety escorts are available 24 hours a day and may be requested by calling the University Police at **781-891-2201**.

**ONLINE NEW STUDENT AND PARENT ORIENTATION:** Programs are provided for students and parents to inform them of the services provided by University Police.



**NEW EMPLOYEE ORIENTATION:** All new employees receive information regarding fire as well as general safety and security measures on campus and information about crime reporting required by Clery.

**NEW STUDENT ORIENTATION:** Held at the beginning of each academic year, this orientation promotes closer relationships between the police and students. The department coordinates this crime prevention and community-building program with the Division of Student Affairs.

**RESIDENCE HALL SAFETY AND SECURITY PROGRAMS:** The University Police Department works closely with the Residential Center to ensure our residence halls remain safe. All first-year resident

students are required to attend a one-hour mandatory safety presentation conducted by University Police officials during Orientation that covers an array of topics regarding services provided by the University Police, fire safety policies, building egress procedures and general safety. Additionally, the University Police Department may conduct safety presentations to residents of specific residence halls at the request of Residential Center staff should safety concerns or crime trends develop.

**EMERGENCY MANAGEMENT GROUP:** This committee meets monthly to identify and address general safety issues on campus, and to review the university's response protocols in the event of a crisis. The committee is comprised of various Bentley staff and faculty, including the Chief of Police and is led by the University's Emergency Manager.

**COMMUNITY ENGAGEMENT TEAM:** The University Police Department uses a team of officers to make and maintain contacts with various organizations throughout campus. As part of our effort to involve campus citizens in a community-police partnership, the process began in the residence halls and has been a successful way to promote community involvement in safety and security issues.

**BLUE – COMFORT DOG:** Blue is a black lab certified by the AKC as a Canine Partner to help community members in need of support. Blue and his handler take requests to attend events on campus and please go say hello when you see them out and about.



**EMERGENCY TELEPHONES:** Emergency and help phones are located both inside campus buildings and in exterior locations to provide easy contact with University Police for general assistance and emergencies.

**VIDEO SURVEILLANCE:** There are cameras at specific locations throughout campus. Video is recorded and temporarily stored, and may be monitored in real time by staff at the police station.

**PERSONAL SAFETY PROGRAMS:** These programs are provided by request to any community member or group. Presentations offer helpful hints and self-defense techniques using everyday items.

**RAPE AGGRESSION DEFENSE (R.A.D.) TRAINING CLASSES:** The University Police Department has trained instructors certified to teach this unique self-defense program. The R.A.D. program, specifically designed for women, offers self-defense tactics and training designed to assist women in defending themselves against sexual assault.

**RAPE AWARENESS, EDUCATION AND PREVENTION:** In addition to the R.A.D. program and in cooperation with numerous student organizations, University Police delivers presentations on rape awareness, education and prevention. Call **781-891-2201** for more information.



### **CPR AND STANDARD FIRST AID**

**TRAINING:** This program is provided by request to any group within the university community. Though not commonly associated with crime or criminal activity on campus, the program teaches self-sufficiency and concern for others.

Instructors are members of University Police who are properly trained and certified by the American Red Cross or the American Heart Association.

### **PRINTED CRIME PREVENTION**

**MATERIALS:** These are used to conduct programs for students in the residence halls or elsewhere on campus. Printed brochures, posters and similar resources are always on hand at the Callahan Police Station.

**SECURITY SURVEYS:** Comprehensive security surveys are conducted when a concern for security is identified. University Police officers trained in conducting security surveys identify problems and recommend corrective action to improve security on campus.

## **Drug and Alcohol Policies**

In addition to maintaining strict compliance with all state and federal laws, Bentley has its own drug and alcohol policies. The following acts are prohibited on university premises or at Bentley-sponsored activities and events: distribution, possession or use of any illegal drug and/or the use, possession or distribution of any controlled substance or marijuana without legal authorization; providing alcoholic beverages to individuals under 21 years of age; possession of alcoholic beverages by individuals under 21 years of age; illegal possession of an open container of an alcoholic beverage; public intoxication; driving while intoxicated; and drinking alcoholic beverages in an unlicensed public place.

In addition to disciplinary sanctions imposed through university procedures, including suspension or expulsion from the university, students and employees may face criminal prosecution and imprisonment under federal and state laws. The online Student Handbook lists details of felony and

misdemeanor crimes and subsequent disciplinary actions for students. University employees may be disciplined under the Human Resources process. Faculty and staff members are not excluded from prosecution under federal and state laws merely by virtue of their employment.

Bentley recognizes that there are serious health risks associated with the misuse and abuse of mind-altering drugs, including all controlled substances and alcohol. These risks include, but are not limited to: physical and psychological dependence; damage to the brain, pancreas, kidneys and lungs; high blood pressure, heart attacks and strokes; ulcers; birth defects; diminished immune system; and death. The Centers for Health, Counseling & Wellness, and the Alcohol and Other Drug Resource Center provide assessment and referral services to students. These same offices serve as informational and educational resources for alcohol and other drug-related matters. Information about educational materials and programs offered is available from the Centers for Health, Counseling & Wellness at **781-891-2222** or the Alcohol and Other Drug Resource Center at **781-891-2777**. Assistance for employees can be obtained through Human Resources or confidentially through the Employee Assistance Program at **800-648-9557**.

## **Sexual Assault, Domestic/Dating Violence, Stalking Policies**

This section applies to all incidents of sexual assault which include, rape, fondling, incest, and statutory rape. It also applies to domestic or dating violence and stalking incidents. Individuals are urged to report any of the above incidents to University Police as soon as possible, regardless of where the offense took place and whether or not the offender is known to the individual reporting. University Police will work closely with the reporting party to ensure appropriate medical care and counseling services are offered. Police will also assist victims/survivors in notifying appropriate off-campus law enforcement authorities, when applicable. University Police has male and female officers specially trained in sexual assault investigation who are available 24 hours a day. There are strict laws governing the protection of a victim's name during a criminal process, it will be kept private. Contact University Police or the Director of Public Safety if you have any questions about how to proceed with criminal prosecution.

We recognize the delicate nature of these types of incidents and the difficulty inherent in talking about them. Of utmost importance is the emotional well-being of the victim. Resources are available to victims through a number of on- and off-campus offices. On campus University Police, the Office of the Dean of Student Affairs, the Centers for Health, Counseling & Wellness, Spiritual Life Center, or the Residential Center can

be contacted for support. See Gender-Based Harassment and Discrimination Policy in this book for further information about accommodations that can be made for survivors. All reporting parties will be given the Sexual and Relationship Violence Resource Guide which includes both on and off campus resources, options for reporting, accommodations that can be made, and students' rights under Title IX.

It is very difficult to know in the immediate aftermath of a sexual assault, stalking, domestic or dating violence incident whether or not an individual will want to pursue legal charges or seek an order of protection. Having evidence collected does not commit an individual to reporting or prosecuting the conduct; the evidence can be sent to the crime lab anonymously and held for a period of fifteen years. Physical evidence can usually be collected up to five days after an assault, though the likelihood of capturing evidence decreases with time. Showering, urinating, and brushing teeth may destroy evidence. Clothing and bedding may contain evidence and can be taken to the Emergency Room in a paper bag (not plastic) or given to police. Drugs used in sexual assaults often leave the body very quickly. Individuals suspecting they may have been drugged should attempt to collect urine to take to the ER if urination is necessary before arriving there. All electronic evidence should be saved or otherwise preserved. This is especially important in stalking cases. Witness statements will be requested for prosecution, so giving those names to police, if an individual chooses to report, will be important.

If an individual chooses to report one of the above crimes, there are several options: University Police **781-891-2201**, the Waltham Police **781-893-1212**, or the Middlesex County District Attorney's Office, located at the Waltham District Court **781-897-8650**. Cases can also be pursued through the university's judicial system via the Title IX Coordinator. Please see the Gender-Based Harassment and Discrimination Policy section of this book for further information regarding proceeding through the University judicial system, potential sanctions for students or employees, interim support measures, and accommodations.

## Registered Sex Offender Information

In compliance with the Federal Campus Sex Crime Prevention Act, current sex offender information for students or employees of the university can be obtained through the Waltham Police Department Detective Unit, located at 155 Lexington Street in Waltham. Additionally, level-three offender information can be obtained from the Massachusetts Sex Offender Registry Board website: [www.mass.gov/orgs/sex-offender-registry-board](http://www.mass.gov/orgs/sex-offender-registry-board) then search

for offenders in the City of Waltham. If you have any questions, please call the Bentley University Police Department at **781-891-2201**.

## Community Responsibility

The cooperation and involvement of students, faculty and staff in their own safety and security is crucial to maintaining a safe campus environment. All members of the Bentley community can assume responsibility for their own safety and well-being, and the security of their belongings by taking simple, common sense precautions. Bentley staff make every effort to protect, serve and care for everyone in the community, but the university cannot help those unwilling to help themselves. The Bentley University Police and dispatchers hope that all members of the community form a partnership built on mutual respect and cooperation, and through this partnership ensure a safe and secure learning, living and working environment.

## Personal Safety Tips

Although the Bentley campus is reasonably safe, crime can happen anywhere and safety can be compromised at any time. No one set of guidelines can completely protect you, but following the tips below can minimize your chances of being victimized. You should always trust your own instincts and follow the rules of common sense.

- Do not prop open residence hall or apartment complex doors.
- Be mindful of tailgating. Tailgating is following or walking closely behind a resident/person into a secured or locked facility without permission and without being identified. Attempts to do this should be reported to University Police.
- Do not allow door-to-door salespeople to enter your room. University ordinances prohibit soliciting and the alleged salesperson may be "casing" your room for later theft. This includes letting delivery people into the building.
- Lock your door when sleeping or showering.
- Lock your door when you leave, regardless of the length of time you plan to be gone.
- Keep small items of value, such as wallets, money and jewelry, out of plain view or in a security box.
- Keep a record and photograph of all valuables noting descriptions and serial numbers. You can also engrave all personal belongings, contact University Police for additional information.

- Report all thefts immediately to University Police at **781-891-2201**.
- Get to know others around you and watch out for each other.
- Do not leave notes where anyone can read them stating where, when or how long you will be gone on any electronic media messages, and do not leave notes containing room combination numbers, ATM pin codes, or computer passwords where others can see them.
- Do not take in overnight guests whom you do not know.
- Close your drapes and blinds at night.
- Report all doors, locks and windows that are in need of repair to your Resident Assistant as soon as possible
- Always ask who is at the door before you open it and use the peephole.
- Never give out your room combination or loan your Bentley ID card to anyone else.
- Notify professional staff if there are maintenance or lighting deficiencies that may compromise building security or make you feel less safe.
- If you receive harassing or annoying phone calls, hang up right away with no conversation, reaction or emotion. Then call University Police at **781-891-2201** to report it.
- Do not invite people you “meet” on the Internet to your room or to stay overnight in your room.
- Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or needs help, ask if they are ok and contact University Police if necessary.
- Safely intervene when you notice people who seclude, hit on, try to make out with or have sex with people who are incapacitated.
- Speak up when someone discusses plans to take sexual advantage of another person. If you have concern for another member of the Bentley community, you can contact the University Police anonymous tip line or fill out the care report form at [bentley.edu/bentley-cares](https://bentley.edu/bentley-cares). If it is an emergency call University Police at **781-891-3131**.
- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking and encourage them to consult resources on campus, which can be found at [bentley.edu/titleix](https://bentley.edu/titleix).
- Refer people to on- or off-campus resources listed in this document, along with [bentley.edu/titleix](https://bentley.edu/titleix) for support in health, counseling, or with legal assistance.
- Communicate nonverbal cues that you are calm, confident, and know where you are.

- Cross streets using crosswalks and electronic walk signals.
- Stay in well-lit, busy areas.
- When using public transportation, follow these rules: use a busy, well-lit bus stop, sit near the driver, and don’t sleep.
- Don’t be afraid to tell someone who is harassing you to leave you alone in a firm, loud voice.
- Trust your instincts — if something or someone makes you uneasy, get out or away.
- Walk or jog with a companion.
- Keep your car locked at all times.
- Avoid flashing cash or valuables.
- Have your key in hand as you approach your car, dorm or apartment.
- Call University Police for a personal safety escort if you feel concerned for your safety while on campus.

## Reporting Criminal Actions or Emergencies

The Bentley University Police Department is responsible for campus law enforcement, security and emergency response. It is the department’s mission to provide a comprehensive program of law enforcement, security and related public safety services to help ensure the campus remains a safe and pleasant place in which to live, study and work. The Michael Callahan Police Station headquarters is located on the main campus, on the hill at the Beaver Street entrance. It is open and staffed 24 hours a day by trained professional police, security and communication personnel. Members of the Bentley University community are urged to immediately report crimes, suspicious activity or other emergencies to the Bentley University Police Department by calling **781-891-3131**, and members of the University Police Department will promptly respond. A cell phone app RAVE Guardian can be used to call or text Bentley Police, access important documents or phone numbers, and share tracking information for safe travel. To obtain information or request security services, community members should call the University Police business line at **781-891-2201**. All phone lines routed to University Police are staffed 24 hours a day. Crimes can also be reported anonymously or confidentially by filling out and submitting the form provided on the University Police website [bentley.edu/police](https://bentley.edu/police). Well-marked red emergency phones are located throughout the interiors of campus buildings in the academic area of the university. Well-marked yellow emergency phones are located throughout the common corridors of residence halls. These phones directly connect the caller to the University Police dispatcher and can be used

to report police, fire or medical emergencies. In addition to the red emergency phones, there are a number of beige courtesy phones inside campus buildings that can be used to contact University Police for general business inquiries and non-emergency service requests. These phones can also be used to connect to any other campus phone. If you wish to contact University Police from the courtesy phones, simply dial **extension 2201**.

Exterior “help” phones with emergency direct-dial service to University Police are also located near entrances of buildings throughout the campus beneath large, blue reflective “Help” signs. Help phones at the exteriors of residence halls not only allow for emergency calls to the University Police but also allow users to dial a friend for access to a particular hall, and are free of charge to anyone seeking information or assistance. Labels bearing the University Police business, snow information, and emergency phone numbers are placed on all of the phones described above. These numbers are also found on publications printed by the University Police, as well as in the campus phone directory. The University Police Department maintains both direct telephone and two-way radio contact with the Waltham Police Department. University Police also has direct radio service with the Waltham Fire Department and local ambulance service through the city of Waltham’s 911 system.

## Law Enforcement Authority and Interagency Relationships

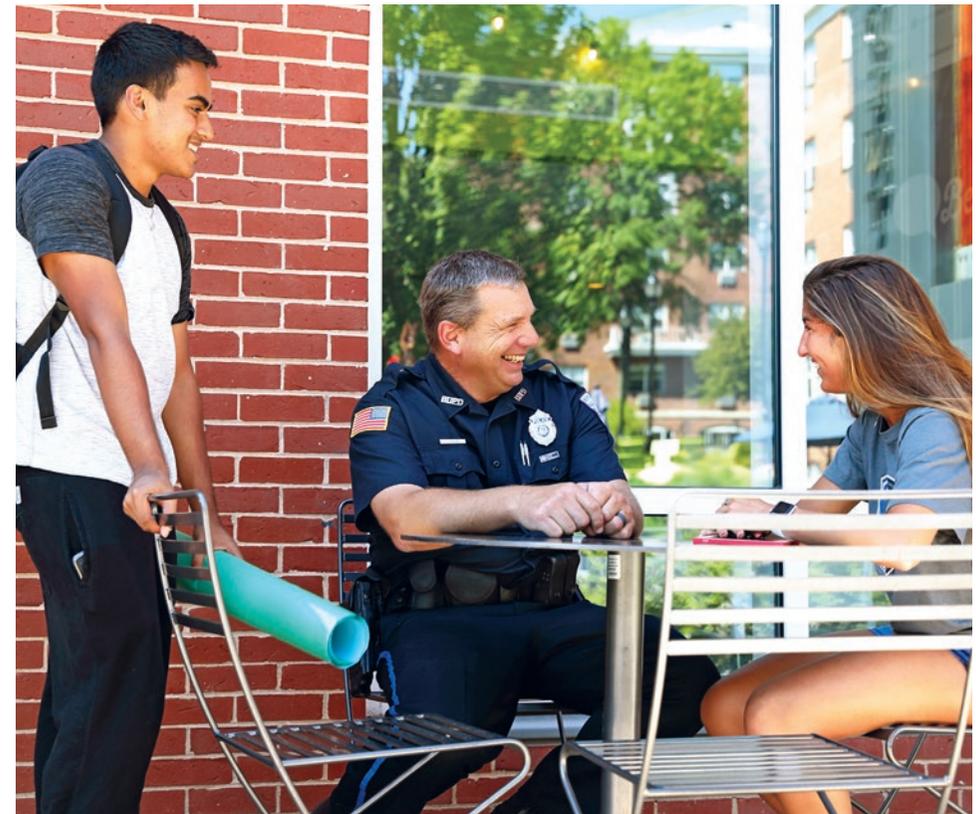
University Police officers are commissioned in accordance with the provisions of Chapter 22C Section 63 of the Massachusetts General Laws. They have full law enforcement authority, including arrest powers, in and upon all property owned, occupied or used by the Bentley community.

All University Police officers are graduates of a police academy conducted and sanctioned by the Massachusetts State Police or the Massachusetts Municipal Police Training Committee. Police officer recruit training academies comprise several months of in-depth training in all aspects of law enforcement, followed by several weeks of field training under the close supervision of a qualified Police Field Training Officer. In addition to formal law enforcement training, Bentley police officers are provided with training specific to campus law enforcement issues to enhance their ability to provide the best service possible to the campus community. Annual in-service training is provided to all officers, and they are frequently assigned to specialized training programs to enhance their professional development.

The University Police Department maintains excellent working relationships with the Waltham Police Department, the Middlesex County District Attorney’s Office, the Massachusetts State Police, other local, campus,

state and federal law enforcement agencies and all appropriate segments of the criminal justice system. While there is no written memorandum of understanding with Waltham Police, there is frequent communication between the Chiefs of the departments to ensure our continued working relationship. Crime reports and information are exchanged on a routine basis, including information provided by Waltham Police regarding all reports involving Bentley students.

Various members of University Police participate actively in professional associations that enhance their proficiency in areas specific to their work responsibilities. Members of the department maintain active membership in the International Association of Campus Law Enforcement Administrators, the Northeast Colleges and Universities Security Association, the Massachusetts Association of Campus Law Enforcement Administrators, the American Society for Industrial Security, the Massachusetts Chiefs of Police Association, the International Association of Chiefs of Police, the Massachusetts Police Accreditation Commission and the Massachusetts Crime Prevention Officers Association.



## Access to Campus Facilities

With the exception of residence halls, most campus buildings and facilities are accessible to members of the campus community, guests and visitors during normal hours of business, and during designated hours on weekends and holidays depending on the variety of events and activities taking place on campus. Once buildings are secured, people requiring access to academic or administrative buildings on campus must contact University Police at **781-891-2201** to be informed of the access requirements established by the university.

Exterior doors to all residence halls remain locked 24 hours a day. Access to residence halls is controlled by electronic card readers; unlimited access is available to all authorized resident students via their Bentley ID card. Guests and visitors who wish to enter residence halls should call their hosts or contact the Residential Center or University Police for assistance. All residence halls are equipped with door security cameras and intrusion alarms that detect unauthorized access and doors that are propped open. These alarms are monitored at University Police headquarters; University Police officers are dispatched to investigate any reported alarm violations.

## Maintenance and Security of Campus Facilities

Bentley maintains a strong commitment to safety and security. Exterior lighting is an important component of keeping the campus safe. Motor vehicle parking lots, pedestrian walkways and building exteriors are well lighted. Members of the university community are strongly encouraged to always use designated walkways, pathways and crosswalks both on and off campus for their safety. The University Police and Facilities Management staff routinely conduct inspections and surveys of exterior lighting on campus to identify lighting problems. The Facilities Management Department gives high priority to maintenance of exterior lights in need of repair or replacement.

More serious maintenance problems are rectified immediately through an emergency notification system maintained between University Police and the Facilities Management trades supervisors. This system provides for the response of Facilities Management tradespeople 24 hours a day. Members of the campus community are encouraged to report any maintenance concerns to Work Order Control at **781-891-2208** during regular business hours or the University Police Department at **781-891-2201** after hours.

As a part of routine and directed patrols, University Police Department personnel inspect exterior doors on campus facilities. Doors are checked

to ensure that their automatic closing and locking units are working properly. Exterior doors on all campus academic and administrative buildings are locked and secured each evening by campus police and/or campus security officers from the University Police Department. These officers also report door and security hardware operating deficiencies to ensure prompt repairs are made.

Many parking lots and public areas of the campus are routinely monitored by closed-circuit cameras. These cameras forward their pictures to the display and control screens located in the University Police Department's communications area. Communications specialists routinely use the closed-circuit television system to identify problems that may require a police response.

Parking lots and public areas on campus are regularly patrolled by campus police and campus security officers.

## Crime Reporting

Bentley makes every effort to keep the community informed about crime and crime-related problems. The university's duty to inform is taken very seriously. As a result, information related to crime and criminal activity is provided to the community in an accurate and timely fashion. Notification efforts and methods include, but are not limited to, the initiatives listed below.

**ANNUAL CAMPUS SECURITY AND FIRE SAFETY REPORT:** A comprehensive annual report of crime-related information is compiled, published and available online. The report is also available by request.

**PUBLIC LOG:** The University Police Department prepares and maintains an incident log for public viewing. This log is available for inspection during regular business hours.

**CLERY LOG:** The University Police Department prepares and maintains an incident log of all crimes committed on, or near, campus. This log is available to anyone who requests to view it.

**RESIDENCE HALL CRIME PREVENTION PROGRAMS:** Each residence hall program features an overview of how students can help in the prevention of crime. These programs are done in conjunction with Residential Center staff and address issues to enhance students' overall security awareness.

**TIMELY WARNING NOTICES:** University Police provide timely warning notices to the community, that withhold the names of victims as confidential, and that will aid in the prevention of similar occurrences, whenever an incident is considered by the university to represent a threat

to the community. Notices will be made using our emergency notification system and/or campus email.

## Crime Definitions and Statistics

Convinced that an informed public is a safety-conscious public, Bentley gladly provides all information related to the safety and security of the campus community. The university willingly complies with all laws pertaining to the reporting of crime and the public's right to information. Bentley also maintains strict compliance with the privacy act, Buckley Amendment, and all other laws governing the release of personal information. Personally identifying information of victims is not included in publicly available logs. In accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, the following definitions and statistics are provided for your information. They are a compilation of the crimes (listed below) reported to Waltham Police, Bentley Police, or any Bentley Campus Security Authority. CSAs include any member of the Bentley University Police Department, any individual who has responsibility for security, but who is not a member of the Police Department, any individual identified by the University as someone to whom a crime should be reported; and any University official who has significant responsibility for student and campus activities. Individuals who fall under this definition may vary among departments and areas. The following are examples of CSAs, but not an exhaustive list:

- All Student Affairs staff members, including Vice President for Student Affairs/Dean of Students, Title IX Coordinator, all staff from the Residential Center, staff from the Health, Wellness, and Counseling Centers, and Athletics staff
- Staff from the Cronin Center for International Education
- Staff from Graduate and Undergraduate Academic Services

Crime statistics are collected and reported in accordance with the University Police Clery Reporting Procedure. If you have questions concerning these statistics or campus safety in general, contact the Director of Public Safety. All crimes are listed in the Clery Crime Log, however, only the following crimes are reported annually in this report.

**MURDER/NON-NEGLIGENT MANSLAUGHTER:** Defined as willful killing of one human being by another.

**MANSLAUGHTER BY NEGLIGENCE:** Defined as the killing of another person through gross negligence.

**SEXUAL ASSAULT:** Under the Violence Against Women Act (VAWA), the definition of sexual assault is an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person without the consent of the victim, including instances where the victim is incapable of giving consent."

**RAPE:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Massachusetts defines Rape as sexual intercourse or unnatural sexual intercourse with a person against his will, by force or threat of bodily injury.

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

Massachusetts defines Indecent Assault and Battery on a person age 14 or over as indecent assault and battery against a person's will. An indecent act is one that is fundamentally offensive to contemporary standards of decency. An assault and battery may be "indecent" if it involves touching portions of the anatomy commonly thought private, such as a person's genital area or buttocks, or the breasts of a female.

**INCEST:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Massachusetts defines Incest as persons within degrees of consanguinity within which marriages are prohibited or declared by law to be incestuous and void, who intermarry or have sexual intercourse with each other, or who engage in sexual activities with each other, including but not limited to, oral or anal intercourse, fellatio, cunnilingus, or other penetration of a part of a person's body or insertion of an object into the genital or anal opening of another person's body, or the manual manipulation of the genitalia of another person's body.

**STATUTORY RAPE:** Sexual intercourse with a person who is under the statutory age of consent.

Massachusetts defines Statutory Rape as unlawful natural or unnatural sexual intercourse with a person under 16 years of age.

**ROBBERY:** Defined as taking or attempting to take anything of value from

the car, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**AGGRAVATED ASSAULT:** Defined as an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

**BURGLARY:** Unlawful entry of a structure to commit a felony or a theft.

**MOTOR VEHICLE THEFT:** Theft or attempted theft of a motor vehicle.

**ARSON:** Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

**DOMESTIC VIOLENCE:** Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family laws of the Commonwealth of Massachusetts, or by any other person against an adult or youth victim who is protected from the person's acts under the domestic or family violence laws of the jurisdiction.

Massachusetts law defines domestic violence as an assault or assault and battery on a household or family member. Household or family member is defined as persons who (i) are or were married to one another, (ii) have a child in common regardless of whether they have ever married or lived together or (iii) are or have been in a substantive dating or engagement relationship; provided, that the trier of fact shall determine whether a relationship is substantive by considering the following factors: the length of time of the relationship; the type of relationship; the frequency of interaction between the parties; whether the relationship was terminated by either person; and the length of time elapsed since the termination of the relationship.

**DATING VIOLENCE:** The VAWA definition of dating violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.



Per Massachusetts statute above, dating violence is included in the definition of domestic violence.

**STALKING:** The VAWA definition of stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for the person's safety or the safety of others; or (b) suffer substantial emotional distress.

For purposes of this definition- (a) Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by an action,

method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with the person's property. (b) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim. (c) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Massachusetts defines stalking as willfully and maliciously engaging in a knowing pattern of conduct or series of acts over a period of time directed at a specific person which seriously alarms or annoys that person and would cause a reasonable person to suffer substantial emotional distress, and making a threat with the intent to place the person in imminent fear of death or bodily injury.

**LARCENY-THEFT:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.

**SIMPLE ASSAULT:** An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious

severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

**INTIMIDATION:** To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

**VANDALISM:** To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

**LIQUOR LAWS:** The violation of state and/or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages.

**DRUG VIOLATIONS:** The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices used in their preparation and or use.

**WEAPONS LAW VIOLATION:** The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

Bentley University will, upon written request, disclose to the alleged victim of a crime of violence or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

## Criminal Offenses 2018 to 2020

UCR CRIMINAL OFFENSES 2018 TO 2020

Type Of Offense	Year	CRIMINAL OFFENSES						
		ON CAMPUS			Non Campus Building or Property	Public Property	Totals	Unfounded
		Non Residential Facility	Residential Facility	Total On Campus				
MURDER/ NON-NEGLIGENT MANSLAUGHTER	2020	0	0	0	0	0	0	0
	2019	0	0	0	0	0	0	0
	2018	0	0	0	0	0	0	0
MANSLAUGHTER BY NEGLIGENCE	2020	0	0	0	0	0	0	0
	2019	0	0	0	0	0	0	0
	2018	0	0	0	0	0	0	0
Rape *	2020	0	5	5	0	0	5	0
	2019	0	3	3	0	0	3	0
	2018	0	7	7	0	0	7	0
Fondling	2020	0	4	4	0	0	4	0
	2019	1	1	2	0	0	2	0
	2018	0	7	7	0	0	7	0
Incest	2020	0	0	0	0	0	0	0
	2019	0	0	0	0	0	0	0
	2018	0	0	0	0	0	0	0
Statutory Rape	2020	0	0	0	0	0	0	0
	2019	0	0	0	0	0	0	0
	2018	0	0	0	0	0	0	0
Robbery	2020	0	0	0	0	0	0	0
	2019	0	0	0	0	0	0	0
	2018	0	0	0	0	0	0	0
Aggravated Assault	2020	0	1	1	0	0	1	0
	2019	4	1	5	0	0	5	0
	2018	1	1	2	0	0	2	0
Burglary	2020	0	2	2	0	0	2	0
	2019	0	2	2	0	0	2	0
	2018	0	2	2	0	0	2	1
Motor Vehicle Theft	2020	0	0	0	0	0	0	0
	2019	0	0	0	0	0	0	0
	2018	0	0	0	0	0	0	0
Arson	2020	0	0	0	0	0	0	0
	2019	0	0	0	0	0	0	0
	2018	0	2	2	0	0	2	0
Domestic Violence	2020	0	1	1	0	0	1	0
	2019	0	2	2	0	0	2	0
	2018	1	3	4	0	0	4	0
Dating Violence	2020	0	0	0	0	0	0	0
	2019	0	0	0	0	0	0	0
	2018	0	0	0	0	0	0	0
Stalking	2020	0	0	0	0	0	0	0
	2019	1	4	5	0	0	5	0
	2018	2	3	5	0	0	5	0

\* Though not required to be reported, in the spirit of The Clery Act, we are disclosing that there was one additional rape reported in 2019 and one in 2020. They both occurred at private residences near campus and each involved two students.

## Arrests and Referrals 2018 to 2020

ARRESTS								
ON CAMPUS								
CRIME	YEAR	Non Residential Facility	Residential Facility	Total On Campus	Non Campus Building or Property	Public Property	Totals	Unfounded
LIQUOR LAW VIO	2020	0	0	0	0	0	0	0
	2019	0	0	0	0	0	0	0
	2018	0	0	0	0	0	0	0
DRUG VIOLATION	2020	0	0	0	0	0	0	0
	2019	0	0	0	0	0	0	0
	2018	2	0	2	0	0	2	0
WEAPON VIOLATION	2020	0	0	0	0	0	0	0
	2019	0	0	0	0	0	0	0
	2018	0	0	0	0	0	0	0

JUDICIAL REFERRALS								
ON CAMPUS								
CRIME	YEAR	Non Residential Facility	Residential Facility	Total On Campus	Non Campus Building or Property	Public Property	Totals	Unfounded
LIQUOR LAW VIO	2020	13	160	173	0	0	173	0
	2019	19	153	172	0	0	172	0
	2018	18	231	249	0	0	249	0
DRUG VIOLATION	2020	4	21	25	0	0	25	0
	2019	4	53	57	0	0	57	0
	2018	9	101	110	0	0	110	0
WEAPON VIOLATION	2020	0	0	0	0	0	0	0
	2019	0	0	0	0	0	0	0
	2018	0	1	1	0	0	1	0

## Procedures for Missing Students Residing on Campus

If a member of the university community has reason to believe that a student who resides in on-campus housing is missing, the Bentley University Police should be notified. The Bentley University Police will generate an incident report and initiate an investigation in order to attempt to locate the missing student using a wide range of electronic resources as well as making personal contact with friends, classmates, co-workers and relatives. If University Police determines that a student is missing and has been missing for more than 24 hours, the Waltham Police Department, the police department of the community where the missing student maintains a home of record, and the person designated as the student's missing student contact will be notified no later than 24 hours after the student is determined to have been missing for 24 hours. If the missing student is under the age of 18 and is not an emancipated individual, Bentley University will notify the student's parent or legal guardian immediately after University Police has determined that the student has been missing for more than 24 hours.

In addition to registering the name of a person as an emergency contact, students residing in on-campus housing have the option to identify an individual to be contacted by Bentley in the event the student is determined to be missing for more than 24 hours. If a student has identified such an individual, Bentley will notify that individual no later than 24 hours after the student is determined to have been missing for 24 hours. Students who wish to identify a contact for this purpose can do so through the semester housing check in process or by contacting the Residential Center. This contact information will be registered confidentially and will be accessible only to authorized campus officials and law enforcement and may not be disclosed outside of a missing person investigation.

## Hate Crimes 2018 to 2020

### 2020

There were no Hate Crimes reported

### 2019

1 Intimidation in Non-Residence, On Campus, bias Religion

### 2018

There were no Hate Crimes reported

## Emergency Response and Evacuation Procedures

In the event of a significant emergency or dangerous situation involving an immediate threat to the health or safety of the Bentley community, Bentley University Police will send an emergency alert notification utilizing the Bentley Emergency Notification System. For less emergent but still serious notifications, the University may choose to send a campus wide email and/or post notices in affected areas. Based on the nature of the emergency, the responsibility for assessing the severity of the threat begins with the senior staff of University Police, Student Affairs, The Centers for Health, Counseling, and Wellness, Facilities Management and/or Risk Management. Once the threat is confirmed, the decision regarding emergency notification will be made by members of the Emergency Management Team. They will determine the content of the notification, and the notification will be sent, without delay, taking into account the safety of the community unless issuing a notification will, in the professional judgement of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. The emergency notification system utilizes email, text messaging, telephone voice messaging, sirens, and classroom notifications to alert the community. Emergency messages are also posted on the home page of the Bentley website. Messages will be sent to all community members in the affected area and will contain only a very brief description of the type of emergency along with instructions for self-protection. It is critical that community members follow the instructions immediately. After the initial alert message, additional information may be distributed by means of another alert message, by email, or by web at [bentley.edu](http://bentley.edu) and [bentley.edu/emergency](http://bentley.edu/emergency). If an emergency will affect the greater community, Waltham Police will be alerted to contact campus neighbors. Parents and community members can access [bentley.edu/emergency](http://bentley.edu/emergency) for information.

**YOU MUST PROVIDE YOUR CONTACT INFORMATION TO BE INCLUDED IN THE EMERGENCY NOTIFICATION SYSTEM.** Members of the Bentley community are invited to provide or update their contact information at the beginning of each semester, or may update their contact information at any time by logging into Workday and clicking Change Contact Information.”

A full-scale test of the Bentley emergency notification system is performed during the fall and spring semesters, and members of the Bentley community will be informed of at least one annual test date in advance by email. On some occasions, the test will be unannounced. Documentation of the tests performed, including a description of the exercise, the date and time, and whether it was announced or unannounced, is kept on file at the University Police Department.

In the event it becomes necessary to evacuate a building, the fire alarm system, or in some buildings a public announcement system, may be used to notify occupants. When the fire alarm sounds, building occupants should proceed quickly and calmly to the nearest exit, or follow the instructions provided over the announcement system. Always bring essentials with you such as a purse, keys, or jacket since you could be displaced from the building for an extended period of time. Do not use elevators. It is recommended that you familiarize yourself with two means of exit from areas where you routinely work, live or study. Remain outside the building until a public safety official authorizes reentry or directs you to an alternate location should the building need to be evacuated for an extended period of time.



# Annual Fire Safety Report

## Fire Safety in Residence Halls

The University through its Manager of Life Safety, administers a program of regular inspection, testing and maintenance of university premises to ensure compliance with applicable fire and life safety codes and standards. This includes conducting regular evacuation drills and offering a variety of educational and training programs in fire safety and prevention techniques for students, faculty and staff. All residence halls exceed local, state, and national fire safety codes and are equipped with modern fire detection, alarm, and suppression systems.

## Reporting a Fire

If you discover or suspect a fire, activate the nearest fire alarm pull station and leave the building or area immediately. To activate the fire alarm, you must both pull the tamper cover and pull the lever. After activating the alarm, call University Police at **781-891-3131** or go to the nearest emergency help telephone that is a safe distance from the fire source to be connected to University Police. Provide the dispatcher with the specific location of the fire and any other pertinent information.

### REMEMBER:

- Pulling the tamper cover to gain access to the fire alarm pull station will activate the tamper alarm only and will not report the alarm to University Police.
- After pulling the tamper cover, you must pull the lever on the fire alarm. By doing so, the building alarm will sound, alerting University Police and the Waltham Fire Department of the situation.

## Fire Suppression Systems

All residence halls are equipped with automatic fire sprinkler systems. The system is comprised of sprinkler heads, associated piping, controls, and water under pressure. In the event of a fire, the sprinkler heads are designed to activate at a predetermined temperature. Do not hang items or material from the sprinkler head, as this may activate or interrupt the spray pattern

of the device. Do not tamper with any associated components of the water sprinkler fire suppression system.

## Smoke Detectors

All residence halls are equipped with addressable fire alarm systems. When a device is activated or tampered with, a signal with the device location is sent to the fire alarm panel and to University Police. All detectors on campus are hard-wired to the main and backup electrical systems for their buildings. Tampering with a smoke detector is a violation of University judicial policies and could result in an electrical shock.



There are two types of alarms: supervisory and general. A supervisory alarm rings the alarms in the apartment where a smoke detector is activated. A general alarm rings the alarms in the entire building. Both signals are received by University Police who investigate all fire alarm signals. A general alarm will cause a signal to transmit to the Waltham Fire Department.

Tampering with or damaging any fire safety systems is a serious offense and can result in criminal prosecution and/or university disciplinary action.

## Apartments and Suites

**ORCHARDS, RHODES, FENWAY, COPLEYS, FOREST, KRESGE, FALCONE COMPLEX, AND NORTH CAMPUS APARTMENTS:** Each bedroom and living room has a smoke detector. If one smoke detector is activated (causing a local alarm) the alarms in the apartment will ring and University Police will be notified. When the smoke condition clears, the alarm will silence by itself. If two smoke detectors are activated within an apartment or suite, the general alarm will ring for the building. This will cause University Police to respond along with the Waltham Fire Department.

The hallways are also equipped with smoke detectors. If one hallway or other common area (including lounges and study areas) is activated, the general alarm for the building will be activated.

**COLLINS AND BOYLSTON:** Each bedroom has a smoke detector. If one smoke detector is activated (causing a local alarm) the alarms in the apartment will ring and University Police will be notified. When the smoke condition clears,

the alarm will silence by itself. If two smoke detectors are activated within an apartment, the general alarm will ring for the building. This will cause University Police to respond immediately, followed by Waltham Fire Department.

A heat detector is located in each living room near the kitchen. They react to sudden and rapid changes in temperature over a specific time period or a high heat build-up. If this detector is activated, then the general alarm for the building will be activated and University Police will respond immediately.

The hallways are also equipped with smoke detectors. If one hallway or other common area (including lounges and study areas) is activated, the general alarm for the building will be activated.

## Dormitories and Special Housing

**SLADE, MILLER, TREES, STRATTON, CAPE AND CASTLE:** All bedrooms and common areas (lounges, hallways, and study areas) are equipped with smoke detectors. If one smoke detector is activated, the general alarm will ring for the building. This will cause University Police to respond immediately, followed by Waltham Fire Department.

## Preventing Fires

**COOKING:** All cooking appliances, except microwave ovens, are prohibited from suites and dormitory rooms. This includes hotplates, hotpots, toaster ovens, popcorn poppers, and any other appliances whatsoever. Apartments may have cooking appliances in the kitchen only. Cooking is allowed only in apartments and residence hall kitchens. When cooking, remember the following:

- Keep ovens clean at all times.
- Turn on smoke exhaust fans when cooking.
- Do not leave the oven or other heat-producing appliances unattended while they are in operation.
- Use only U.L. listed appliances.
- If a pan of grease or a deep-fat fryer catches on fire, immediately turn off the heat, cover the burning pan with a lid if possible and, if available, throw baking soda into the flame. Do not try to extinguish the fire with water, flour, sugar or other materials. Never try to carry a cooking utensil with burning liquid.
- Do not open the door of your apartment or residence hall kitchen to clear cooking smoke. Instead, open a window. Otherwise you will set off the hallway smoke detectors and create a false alarm.

**SPACE HEATERS:** Space heaters are not allowed in any residence halls. In an emergency situation only, Facilities Management will provide an approved space heater for temporary heating purposes.

## Additional Fire Prevention Guidelines

- Plug all types of multiple plug adapters directly into wall outlets. Do not use more than two extension cords in a single multiple-plug adapter. Check cords for wear and have faulty appliances repaired or removed from the residence.
- Halogen lamps and neon signs are prohibited, even if they are non-functional.
- Do not drape any type of combustible material over lamps or other electrical fixtures.
- Flammable and combustible liquids are prohibited in all residence halls. This includes charcoal briquettes, lighter fluids, gasoline, benzene, propane, alcohol, cleaning fluids, oil-based paints and thinners.
- Do not use flammable decorations at any time, including during the holiday season. Live trees or combustible ornaments are not permitted. This includes cardboard cut-outs from boxes.
- Combustible waste should be disposed of as soon as possible. Trash and garbage should be emptied in the proper refuse containers, not left in corridors or hallways since this may obstruct building egress. Limit room trash collection to a maximum of one 12-pack sized box of mixed recyclables and two kitchen-size trash bags or one large trash bag. Accumulations larger than this are not allowed.
- All types of open flames including candles and incense are strictly prohibited in all campus buildings.
- Do not hang any items from the ceiling as they may interfere with the designed spray pattern of the sprinkler system or the path of heat and smoke to a fire detection device.
- Room furnishings should not obstruct or hamper any access to an exit. All doors must be able to swing freely in their full range of motion.
- Do not prop open fire doors. Closed fire doors are designed to prevent smoke and fire from spreading.
- Bicycles chained to stairways or landings are prohibited and will be removed.
- Motorcycles, mopeds, gasoline engines, engine parts or any flammable fuels are prohibited in all campus buildings.

## Smoking Policy

Smoking (including cigarettes, cigars, pipes, e-cigarettes, and any other smoke-producing tobacco products) is prohibited on all properties owned or leased by Bentley. This policy applies to students, faculty, staff, guests, visitors, and contractors. Campus property includes (but is not limited to): all interior space on campus and property leased by the university, all outside property or grounds including walkways, breezeways, patios, and parking lots — including vehicles, all outside property leased by the University, all vehicles leased or owned by the University and all indoor and outdoor athletic facilities.

## Escaping From a Fire

When the fire alarm sounds, prepare to exit immediately. Touch your door to test its temperature. If it is hot, put towels or clothing around the door frame to prevent smoke from entering. Open your window and wave something white to attract attention.

If the door is cool, evacuate your room as soon as possible. Go to the nearest exit. DO NOT WAIT for a staff person to tell you to leave. It is your responsibility to evacuate the building in a quick and orderly fashion! If there is smoke in the hall, stay low and proceed to the nearest exit. There are two exits on every floor. Do not panic if one of the exits is blocked, proceed to the next one.

- Stay calm. Do not run or shout.
- Do not use an elevator. In the event that you are in an elevator when the alarm sounds, it will bring you to the main floor.

It is essential to determine which residents have safely escaped. You should assemble in designated spot for the building you are evacuating from. Evacuation locations are noted on the map at the end of this section. Do not attempt to re-enter the building until the Fire Department or University Police has declared the emergency over.

## Fire Drills

Fire drills are conducted each semester to familiarize everyone with the sound of the alarms, building evacuation routes and designated gathering spots outside the building. Use the emergency exit locations to evacuate the building safely. Failure to evacuate when the fire alarm sounds is not only dangerous but punishable by a fine and/or other disciplinary action.

Fire extinguishers are located in all campus buildings. These are to be used only for their intended purpose, and should not be removed at any other time. Extinguishers are to be used only by trained personnel.

## Fire Safety Education and Training

A fire safety education program is presented during the first week of classes for all incoming first-year resident students. Attendance at this presentation is mandatory. Procedures to follow in the event of a fire alarm are reviewed, as well as the fire safety policies that are in effect in the residence halls.

## Plans for Future Improvements in Fire Safety

Bentley University intends to remain on task with regard to its prevention strategies (education, inspections, fire drills and device maintenance), and will continue to upgrade fire alarm systems throughout the campus. A deferred maintenance program replaces or upgrades existing fire alarm systems that are approaching their service life expectancy. Whenever buildings undergo major renovations, the life safety systems, fire detection and fire suppression systems are replaced with current code compliant systems.



# Bentley University Fire Safety System 2018 to 2020

Residential Building Name	Fire Alarm Device On Site Monitored By Bentley Police	Full Sprinkler	Smoke Detectors Bedrooms	Attic Heat Detectors	Number of Evacuation Test/Drills 2018
Alder Hall	X	X	X	X	2
Birch Hall	X	X	X	X	2
Boylston A	X	X	X	X	2
Boylston B	X	X	X	X	2
Cape House	X	X	X	N/A	2
Castle House	X	X	X	N/A	2
Cedar Hall	X	X	X	X	2
Collins Hall	X	X	X	X	2
Copley North	X	X	X	X	2
Copley South	X	X	X	X	2
Elm Hall	X	X	X	X	2
Falcone East	X	X	X	X	2
Falcone North	X	X	X	X	2
Falcone West	X	X	X	X	2
Fenway Apts.	X	X	X	N/A	2
Forest Hall	X	X	X	X	2
Kresge Hall	X	X	X	X	2
Maple Hall	X	X	X	X	2
Miller Hall	X	X	X	X	2
North Campus A	X	X	X	X	2
North Campus B	X	X	X	X	2
North Campus C	X	X	X	X	2
North Campus D	X	X	X	X	2
Oak Hall	X	X	X	X	2
Orchard North	X	X	X	X	2
Orchard South	X	X	X	X	2
Rhodes Hall	X	X	X	X	2
Slade Hall	X	X	X	X	2
Spruce Hall	X	X	X	X	2
Stratton House	X	X	X	N/A	2

N/A =  
No Attic





# Title IX and Gender-Based Harassment and Discrimination Policy

**THE MISSION OF BENTLEY UNIVERSITY:** To educate creative, ethical, and socially responsible organizational leaders by creating and disseminating impactful knowledge within and across the business and the arts and sciences.

**THE MISSION AND PURPOSE OF THIS POLICY:** To eliminate all barriers on Bentley University's campus that are rooted in forms of discrimination, harassment, and retaliation on the basis of an individual's sex, gender, sexual orientation, gender identity, and/or gender expression. To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational program or activity

**QUESTIONS REGARDING THIS POLICY:** Please forward any questions, complaints, or notice of alleged policy violations, or regarding this policy and procedures, to those responsible for Bentley's Title IX and Gender-Based Harassment and Discrimination Policy compliance below:

## Liz Humphries

*Title IX Coordinator*  
Associate Director, Student Conduct  
Student Center 320  
ehumphries@bentley.edu  
781-891-2225

## Justin Woodard

*Deputy Title IX Coordinator for Student Support*  
Associate Director, Residential Center  
Student Center 320  
jwoodard@bentley.edu  
781-891-2319

## Kelly Kelleher

*Deputy Title IX Coordinator for Faculty/Staff Support*  
Business Partner, Human Resources  
Rauch 201  
781-891-2676

## Courtney Finn

*Deputy Title IX Coordinator/Senior Women's Administrator*  
Associate Director, Athletics  
Dana Center  
781-891-2368

## I. Policy Statement and Overview

Bentley University will always respond to complaints, reports, allegations, and information about harassment, sex-and gender-based discrimination, and retaliation regardless of how the information was brought to the University's attention. The University's response is designed to stop the prohibited conduct, prevent its recurrence, and address any lingering impact that it had on individuals, members of the campus community, and all University-related programs or activities.

Bentley University is firmly committed to establishing an environment free of harassment and discrimination on the basis of sex or gender in any of its education or employment programs and activities. This policy prohibits sexual and gender-based harassment, sexual assault (non-consensual sexual touching, forcible or not), stalking, domestic violence, and sexual exploitation, stalking, and retaliation (collectively referred to in this policy as prohibited conduct). These forms of prohibited conduct are harmful to the well-being of our campus community and its members, the learning and working environment, and collegial relationships among our students, faculty, and staff.

All violations of prohibited conduct under this policy will result in discipline, including potential separation from the University. Some forms of prohibited conduct may also violate state and federal laws, and criminal prosecution may occur independently of any disciplinary action imposed by the University.

This policy also sets forth the procedures that will be used to respond and investigate reports of prohibited conduct.

Bentley University complies with Title IX of the Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in the University's programs and activities; the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), as amended by the Violence Against Women Reauthorization Act of 2013 (VAWA) as amended; Title VII of the Civil Rights Act of 1964; and its stated counterpart, M.G.L. c.151B; Section 504 of the Rehabilitation Act and the Americans with Disabilities Act, and other applicable law.

Bentley also reaffirms the rights impacted parties to decide whether they wish to be involved in any of the University's processes to address sexual harassment and sex-and gender-based harassment, discrimination, and retaliation. Bentley is also strongly committed to supporting impacted parties through the numerous support service available. All students and employees have access to confidential resources that they may use for support and guidance regardless of whether they make a report to the University or participate in a University investigation and adjudication process, please refer to Appendix A. The University encourages those who wish to receive confidential support services regarding sex-and gender-based discrimination and harassment under these policies to seek assistance from staff in the Counseling Center, the Health Center, the Boston Area Rape Crisis Center, REACH Beyond Domestic Violence, and/or seek medical attention.

Responsible employees of the University are expected 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. Employees whose positions legally require confidentiality (i.e., licensed mental health counselors and health professionals) are not responsible employees. To review the full list of designations of employees at Bentley University, please refer to Appendix E. 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 and retaliation. 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.

Retaliation against anyone who reports an incident of harassment, or discrimination as defined in this policy, brings forward a complaint or participates in an investigation and adjudication process under this policy is 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 and harassment. 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 and resolutions consistent with applicable adjudication procedures that are described in this policy.

Additionally, Bentley seeks to ensure that our campus and culture are 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 XVII of this document.

Bentley reserves the right to amend this and other policies immediately to ensure compliance with federal and state rules, regulations, and laws.

## II. Bentley's Title IX Coordinator and Title IX Staff

The Title IX Coordinator for Bentley University is responsible for providing leadership regarding Title IX and the Gender-Based Harassment and Discrimination Policy. The Title IX Coordinator has the primary responsibility for coordinating Bentley's efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent discrimination, harassment, and retaliation prohibited under this policy.

The Title IX Coordinator will also ensure that ongoing training and education regarding sex/gender-based harassment, discrimination, and retaliation 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, harassment, retaliation, and other sexual misconduct outlined in this policy;
- Ensuring that the University responds effectively to each report; and
- Provides appropriate supportive measures to parties involved with or without the filing of a formal complaint

After an alleged violation of this policy is reported, the Title IX Coordinator will ensure that the appropriate measures are taken, including providing supportive measures, obtaining an external investigator, assigning advisors, and which resolution process will apply based on the allegations raised. However, the Title IX coordinator **will not** participate in the investigation, the resolution process, or decision making regarding the investigation report (see Appendices C and D for more information on investigation procedures and protocols).

Bentley University also has three **Deputy Title IX Coordinators**. These

individuals can offer further information to those who may have questions about these policies, and formal reports can be submitted to them. The Deputy Title IX Coordinators will also keep individuals involved in the formal investigations process and provide updates regarding its progress. Similar to the Title IX Coordinator, the Deputy Title IX Coordinators **will not** participate in the investigation, the hearing panel, or in the deliberations regarding the investigation report. The Title IX Coordinator and Deputy Title IX Coordinators will act with independence and authority free from bias and conflicts of interest.

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

In addition to the Title IX Team members listed above, Bentley has determined administrators as Officials with Authority to address and correct harassment, discrimination, and retaliation. These Officials with Authority listed below may also accept notice or complaints on behalf of Bentley University.

### John Piga

Associate Dean of Student Affairs  
Student Center 320  
jpiga@Bentley.edu  
781-891-2148

### George Cangiano

Vice President & Chief Human Resources Officer  
Rauch 318  
gcangiano@bentley.edu  
781-891-2380

## III. Scope of this Policy

The federal mandates established by Title IX and the Clery Act reaffirm that students, staff, faculty, and third parties (i.e., non-members of the University community, such as vendors, alumni/ae, and visitors) have the right to be free from discrimination based on their gender, sex, sexual orientation, and gender appearance/expression.

Third parties are both protected by and subject to this policy. A third party may report potential policy violations committed by a member of the University community, and the University will take appropriate steps to investigate and respond to the conduct consistent with the authority granted by the University's jurisdiction, if any, over the respondent. A third party who is accused of violating University policy may be permanently barred

from the University or subject to other restrictions for failing to comply with this policy and may not be granted the full rights and processes afforded to Bentley community members through the provisions of this policy.

All procedures regarding incidents involving students can be found in Appendix C of this policy, while all procedures for incidents involving employees are found in Appendix D of this policy

## IV. Jurisdiction of this Policy

This policy applies to the education program and activities of the University, to any behaviors or conduct that takes place on the campus or property owned or controlled by the University, at University-sponsored events, or in buildings owned or controlled by student organizations that are recognized by the University.

This policy can also apply to the effects of off-campus misconduct. Thus, the policy applies to any behaviors involving community members both on and off-campus.

The University may also extend jurisdiction to off-campus and/or to online conduct when the Title IX Coordinator determines that the behavior affects a substantial University interest.

Regardless of where the conduct occurred, Bentley will address any complaints and determine whether the conduct occurred in the context of its employment or educational program or activity and/or has continuing effects on campus or in an off-campus sponsored program or activity. The alleged violations and/or the location (jurisdiction) of where the alleged behavior took place, will determine which adjudication process is applied: the Title IX Adjudication Process or the Gender-Based Harassment & Discrimination Adjudication (GBHD) Process. 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 programs/sites, service-learning sites, and off-campus residences of students.

The Respondent must be a member of the University community in order for its policies to apply. However, if the Respondent is unknown or is not a member of the University's community, the Title IX Coordinator will assist the Complainant in identifying appropriate campus and local resources and support options and/or, when criminal conduct is alleged, in contacting local or campus law enforcement if the individual would like to file a police report.

Furthermore, even when the Respondent is not a member of the Bentley community (where the University does not have disciplinary authority over the Respondent), the Title IX Coordinator will still take reasonably available steps to support a Complainant through supportive measures, remedies, and resources.

When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator can assist the Complainant in liaising with the appropriate individual at that institution, as it may be possible to allege violations through that institution's policies.

Similarly, the Title IX Coordinator may be able to assist a student or employee Complainant who experiences discrimination in an externship, study abroad program, or other environments external to the University (whereas the facilitating or host organization may give recourse to the Complainant through its policies and procedures of sexual harassment, non-discrimination, and retaliation).

The University will not release copies of evidence, including any reports related to the incident, outside of the University, except for an instance in which the University receives a legally issued subpoena. The Title IX Coordinator and Deputy Coordinators will share reports with any involved party verbally over a video teleconference or in person, if available, in the Student Center suite 320. Parties who read or view reports or evidence in person will be prohibited from copying, taking pictures, or otherwise disseminating the content. This is done intentionally to ensure confidentiality and privacy.

## V. Coordination with Other Bentley University Policies

This policy addresses sexual and gender-based harassment, sexual assault (non-consensual sexual touching, forcible or not), stalking, domestic violence, and sexual exploitation, stalking, and retaliation (collectively referred to in this policy as prohibited conduct and defined in more detail below).

Other forms of sex discrimination (not based on harassment or violence), and discrimination and harassment based on race, color, nationality or ethnic origin, sex, age, or disability are governed by the University's Non-Discrimination Policy

In addition, the conduct of students, employees, and faculty is governed by the following policies:

### 1. Student Code of Conduct

- Applies to all other forms of student misconduct (e.g., alcohol, drug

use, threats or physical abuse, possession of firearms, etc.)

- Overseen by the Student Conduct system.

### 2. Employment Policies and Practices

- Set the standards of personal conduct for employees
- Include the staff disciplinary and adjudication policies
- Overseen by Vice President and Chief Human Resources Officer

### 3. Faculty and Staff Handbook

- Sets the standards of personal conduct for faculty members
- Includes the statement of academic freedom (See Also Academic Freedom and Freedom of Speech, below)
- Consists of the University's adjudicatory policy
- Overseen by Vice President and Chief Human Resources Officer

### 4. University Policy on Consensual Relationships

- Prohibits romantic and/or sexual relationships between employees and students (undergraduate, graduate or doctoral), and employees and any individual whom that person supervises or evaluates in any way

Where conduct involves the potential violation of both this policy and another University policy, the University may choose to investigate other potential misconduct under the procedures outlined in this policy, instead of the procedures ordinarily used to address potential violations of such other University policies, provided that it does not unduly delay a prompt or equitable resolution of the report.

## VI. 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.

## VII. Accommodations for Students with Disabilities:

Bentley is committed to compliance with the Americans With Disabilities Act of 1990 (ADA), as amended, and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal and state laws and regulations pertaining to individuals with disabilities.

By federal law, a person with a disability is any person who: 1) has a physical or mental impairment; 2) has a record of such impairment; or 3) is regarded as having such an impairment, which substantially limits one or more major life activities such as self-care, walking, seeing, hearing, speaking, breathing, or learning. A student requesting an accommodation regarding a Title IX investigation/adjudication process must follow the appropriate procedure for requesting an accommodation through the Office of Disability Services (located in Jennison Hall). Additionally, the Office of Disability Services can provide students with a comprehensive list of off-campus resources.

The Office of Disability Services will make a determination regarding the request and notify the appropriate parties. Reasonable accommodations depend upon the nature and degree of severity of the documented disability. While the ADA requires that priority consideration be given to the specific methods requested by the student, it does not imply that a particular accommodation must be granted if it is deemed not reasonable and other suitable techniques are available. For more information regarding options for assistance, regarding both immediate and ongoing concerns, please see Appendices A and B.

## VIII. Resources for Information and Assistance

Bentley University offers various resources for students, staff, and faculty seeking information or support under Title IX and Gender-Based Discrimination and Harassment Policy. 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 these policies or the procedures outlined within it. The resources highlighted in Appendix A and B also provide information, assistance, and support to those who seek it.

## IX. Confidentiality, Privacy, and Reporting Responsibilities of Bentley Employees

Issues of privacy and confidentiality play important roles in this policy and may affect individuals differently. While they are closely related, the concepts of privacy and confidentiality are distinct terms that are defined below.

### A. Confidentiality

Confidentiality refers to the protection of information disclosed to individuals such as licensed professional mental health counselors, licensed medical professionals, and ordained clergy. When an individual shares information with a confidential resource (on campus or in the community), that is a confidential communication that will not be reported to the Title IX Coordinator under this policy.

At Bentley, complete confidentiality can only be guaranteed when a concern is shared with clinicians in the Health Center, the Counseling Center, Spiritual Life Staff, Staff within the Center for Wellness and Health Promotion, and the Ombudsperson, and when the concern does not involve a continuing threat of serious harm to self or others.

When an individual shares information with a confidential resource, the details of that communication will not be reported, and the identity of the reporting party will be protected by the Confidential resource. If a disclosure is made to a Confidential Employee, that employee will only share non-identifiable information with the Title IX Coordinator or Deputy Coordinators. (i.e. 1 count of Sexual Assault, on-campus, residence hall, month of September). Confidential Resources may be deemed as confidential through their professional licensure (i.e. physicians) or through this policy. Professional Staff within the Center for Wellness and Health Promotion and the Ombudsperson are deemed as Confidential Employees under this policy.

A list of Confidential Resources on and off-campus is available in Appendix E. Confidential Resources submit non-personally identifiable information about Clery-reportable crimes to the Bentley University Police Department for purposes of anonymous statistical reporting under the Clery Act. (i.e. 1 count of Sexual Assault, on-campus, residence hall, month of September).

### B. Privacy

Privacy refers to the discretion that will be exercised by the University in the course of any investigation or other processes under this policy. Bentley understands that breaches of privacy compromise the ability of the University to investigate and resolve claims of prohibited harassment, discrimination, and retaliation. The Title IX Coordinators will attempt to protect the privacy of all reports and proceedings to the extent reasonably possible. Information related to a report of prohibited conduct will be shared in the most limited manner possible with University employees who need to know in order to assist in the assessment, investigation, and resolution of the report and related issues. Additionally, in order to comply with its obligations regarding campus safety and Title IX, University employees receive training in how to safeguard private information. The University will make reasonable efforts to investigate and address reports of prohibited

conduct under this policy, and information may be disclosed to participants in an investigation as necessary to facilitate the thoroughness and integrity of the investigation. In all such proceedings, the University will take into consideration the privacy of the parties to the extent reasonably possible. The privacy of student education records is governed by the Family Educational Privacy Act (FERPA).

### C. Disclosures and Reporting Responsibilities of Bentley Employees

All involved parties have many options, including seeking counseling or assistance from a Confidential Resource, making a report under this policy, and/or making a report to law enforcement. The University recognizes that deciding among these options can be difficult and is an intensely personal decision. Individuals are encouraged to seek assistance and to explore all potential reporting and support options.

Please note that faculty and staff members on campus have different roles and responsibilities for reporting information should a student disclose any prohibited conduct under this policy.

It is important to understand the different responsibilities of Bentley's employees. Every employee is designated as either a Confidential Employee, a Responsible Employee, and all Other Employees.

**CONFIDENTIAL EMPLOYEES:** This is an employee who may talk to an individual in confidence, and generally only report to the University that an incident occurred without revealing any personally identifying information. Disclosures to these employees (e.g., physicians, nurses, professional counselors, clergy) will not trigger an investigation into an incident against the individual's wishes. If a disclosure is made to a Confidential Resource, that employee will only share non-identifiable information with the Title IX Coordinator or Deputy Coordinators. (i.e. 1 count of Sexual Assault, on-campus, residence hall, month of September). Confidential Resources may be deemed as confidential through their professional licensure (i.e. physicians) or through this policy. Professional Staff within the Center for Wellness and Health Promotion and the Ombudsperson are deemed as Confidential Employees under this policy.

**RESPONSIBLE EMPLOYEES:** Include faculty and staff, who are expected to call the Title IX Coordinator when an incident of sexual violence, misconduct, gender-based harassment, discrimination and/or retaliation is reported to them, especially if there is cause for fear of a person's safety. The disclosure includes the identities of both the Complainant and Respondent (if known) to the Title IX Coordinator. A report to responsible employees constitutes a report to Bentley and obligates the University to respond to the incident and take appropriate steps to address the situation. When a responsible

employee receives a disclosure and notifies the Title IX Coordinator, the Title IX Coordinator or Deputy Coordinators reach out to the Complainant to provide immediate resources and information, as well as an offer to meet to discuss options further. A community member will never be forced to speak with the Title IX Coordinator or Deputy Coordinators until, and if, they would like to.

**ALL OTHER EMPLOYEE:** Include faculty members and other Bentley staff employees who do not fall under the categories of Confidential Employees or Responsible Employees. While these employees do not have any expectation to keep shared concerns confidential and are not required to report those concerns, the University encourages them to assist an individual who shares concerns. Individuals may seek advice from any other these employees on campus after an incident occurs. If you are unsure of someone's duties and ability to maintain your privacy, ask them before you talk with them.

This policy is intended to make members of the community aware of the various reporting and confidential disclosure options available to them. Ideally, this information will inform individuals so they can make deliberate choices about where to turn should they experience sexual misconduct, gender-based harassment, discrimination, and/or retaliation. Bentley encourages impacted parties 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 E..

## X. Supportive Measures

One way in which Bentley will support those who bring forward claims of sexual misconduct, sex-or gender-based discrimination, harassment, and retaliation is to offer individualized supportive measures, without any fee or charge. Supportive measures are non-disciplinary, non-punitive personalized services offered to parties. The goal of supportive measures is to provide support to remedy the impact of the alleged misconduct, preserve equal access to education, and protect safety. Supportive measures are available with or without the filing of a formal complaint.

Examples of supportive measures include:

- Implement contact limitations ("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; extensions of a deadline; and other course- or program-related adjustments
- Limiting access to University facilities and activities pending resolution of the matter
- Change in class schedule, withdrawals, or leave of absence
- Change in work schedule or job assignment
- Arrangements for counseling, medical, and/or other health services
- Safety planning
- Providing campus security escorts
- Provide transportation accommodations
- Increased security and monitoring of certain areas of the campus
- Guided conversations to confront behavior
- Action planning to resolve a conflict in the future

These are just some examples of the supportive measures that the University may take to support individuals involved in an incident of sexual misconduct, sex-or gender-based discrimination, harassment, and retaliation. As each individual will have their own needs and requests, the University is committed to tailoring supportive measures to the specifics of each incident, in a fair and equitable manner (without unreasonably burdening the other party). Individuals seeking to access supportive measures can contact the Title IX Coordinator or the Deputy Title IX Coordinators. The decision to impose supportive 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.

## XI. Emergency Removal

Bentley can act to remove a Respondent entirely or partially from its education program or activity on an emergency basis after an individualized safety and risk analysis, it is determined that such a removal is justified because the Respondent poses an immediate threat to the physical health or safety of any student or other individuals arising from the report or prohibited conduct under this policy. The risk analysis is performed by Senior Level Administrators, including the Title IX Coordinator, the Bentley University Police Department, and Student Affairs Staff Members using its standard objective violence risk assessment procedures. Under these circumstances, the Respondent will be notified in writing of the emergency removal from the University's education program or activity, and the Respondent will have an opportunity to immediately challenge the decision following the emergency removal.

## XII. Defining and Recognizing Prohibited Conduct

Conduct that is prohibited and encompassed by the Title IX policy includes sexual harassment, as an umbrella category, which includes the offense of sexual harassment, sexual assault, dating violence, domestic violence, and stalking. 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 Clery Act, and the Violence Against Women Act). These acts are prohibited in any sex or gender configuration (i.e., between the same or differing genders), regardless of sex and gender identity. Individuals found responsible for violating these policies will face sanctions that are commensurate with the severity of the policy violation, ranging from probation through expulsion.

### A. Definition of the Prohibited Conduct Under the Title IX Policy:

**1. SEXUAL HARASSMENT:** Bentley University adheres to the following definition of sexual harassment as an umbrella category, which includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking.

Generally, this umbrella category prohibits unwanted conduct of a sexual nature that may take the form of sexual advances, inappropriate sexual or suggestive comments, inquiry, sounds or jokes; unsolicited touching or fondling; unwanted intercourse, or assault.

**Sexual Harassment** is defined as follows:

- i. Unwelcome requests for sexual favors; and/or
- ii. Other behavior of a sexual nature where:
  - a. 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 (often referred to as *quid pro quo harassment*); or
  - b. Such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance, as well as creating an intimidating or offensive educational, social, living, or working environment.
- iii. Harassing conduct that is sufficiently severe, pervasive, and objectively offensive (often referred to as *hostile environment*). Such conduct denies, limits, or interferes with the ability to participate in, or benefit from:
  - a. Educational programs, services, opportunities, or activities; or
  - b. Employment access, benefits, or opportunities.

**2. 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:

- i. **Rape** includes penetration (oral, anal, or vaginal) no matter how slight, of any orifice with a body part or any object without effective consent.
- ii. **Indecent Assault and Battery** includes non-consensual sexual contact without penetration.
- iii. **Incest** sexual activity between family members or close relatives.
- iv. **Statutory rape**, which in Massachusetts is when a person has sexual intercourse with an individual under age 16.

The severity of the violation is the same whether the Respondent is a stranger or known to the Complainant. All students, faculty, and staff should be aware that the University is prepared to respond to any incidents of sexual assault. Individuals found responsible for violating this policy will face sanctions that are commensurate with the severity of the violation, including University expulsion.

**3. RELATIONSHIP VIOLENCE:** At Bentley, relationship violence encompasses dating violence and domestic violence and can involve current or former intimate partners, spouses, social or dating relationships.

Dating Violence and Domestic Violence: is any act of violence or pattern of abusive behavior in a relationship. The acts of violence or abuse can be but are not limited to actual or threatened physical, sexual, verbal, emotional, financial, or digital. It is unwanted and causes physical or emotional harm. Relationship violence occurs in both same-sex and opposite-sex relationships. The determination of the existence of a relationship is based on the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. All students, faculty, and staff should be aware that the University is prepared to respond to any incidents of dating violence and domestic violence. Individuals found responsible for violating this policy will face sanctions that are commensurate with the severity of the violation, including University expulsion.

Examples of relationship violence include, but are not limited to:

- Physical abuse: hitting, slapping, shoving, grabbing, pinching, biting, hair pulling, or throwing objects at a person.

- Sexual abuse: attacks on sexual parts of the body, forcing sex after physical violence, treating one in a sexually demeaning manner, coercing or attempting to coerce any sexual contact or behavior without consent, or marital rape.
- Psychological or emotional abuse: a pattern of behavior undermining a person's sense of self-worth or self-esteem, constant criticism, possessiveness, damaging possessions, threats, intimidation, diminishing a person's abilities, name-calling, public humiliation, and damaging a person's relationship with their friends or family.
- Financial abuse: Taking money from or prohibiting access to bank accounts.
- Digital abuse: Controlling social media accounts, or harassment through social media or other forms of technology.

**4. STALKING:** is a course of conduct directed at a specific person that is unwelcome, repeated, and would cause a reasonable person to fear for their safety, fear for the safety of others, or suffer emotional distress. Stalking can occur between strangers, individuals who know each other, or individuals who are or were previously in a relationship. Stalking behaviors may include unwanted 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. Any stalking behavior can be done directly, indirectly, or through a third-party. For purposes of this definition, a reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant. Individuals found responsible for violating this policy will face sanctions that are commensurate with the severity of the violation, including University expulsion.

## B. Other Prohibited Conduct – Gender-Based Harassment and Discrimination (GBHD)

In addition to the forms of sexual harassment described above, which fall within the coverage of Title IX, Bentley additionally prohibits the following offenses as forms of discrimination outside of Title IX when the act is based upon the Complainant's actual or perceived membership in a protected class.

**1. 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 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:

**i. Photographing or Video/Audio Taping Sexual Contact or Activity:**

Photographing or taping someone (via audio or video) involved in sexual activity, 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.

**ii. Disseminating Photographs or Video/Audio Tapes of Sexual Contact or Activity:**

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

**iii. Voyeurism:** Voyeurism is the act of observing, spying on, or listening to a person involved in sexual contact/activity, or in a state of undress without their knowledge or consent.

**iv. 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.

**2. HARASSMENT BASED ON SEXUAL ORIENTATION, GENDER, OR GENDER IDENTITY:**

Harassment based on sexual orientation, gender, or gender identity is defined as derogatory comments, actions, or conduct that may include acts of verbal, nonverbal, cyber, or physical aggression, intimidation, or hostility, even if those acts do not involve conduct of a sexual nature. Such conduct is directed toward an individual by virtue of their actual or presumed sexual orientation, gender, or gender identity and:

- i. Humiliates or intimidates an individual;
- ii. Impedes academic or work performance; and/or
- iii. Interferes with university life.

**3. ONLINE MISCONDUCT:** The University's harassment policies are written and interpreted broadly to include online and virtual conduct that have an effect on its education program and activities. Any behavior that is prohibited by the policy is also prohibited in cyber-forms through the use of technology, networks, or equipment.

While the University may not control websites, social media, and other venues in which harassing communications are made, however, when such communications are reported, it will respond in a variety of means to

address and mitigate the effects.

Bentley encourages members of the community to be good digital citizens and to refrain from online misconduct. Examples of online misconduct include but not limited to: feeding anonymous gossip sites, sharing inappropriate content via web/video conferencing, text messages, emails, chats, instant messaging, screensavers, blog, or other social media sites, unwelcome sexting, revenge porn, breaches of privacy, or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harm another member of the campus community.

**4. COMPLICITY:** Complicity is any act taken with the purpose of aiding, facilitating, promoting, or encouraging the commission of an act of prohibited conduct by another person.

**5. 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, gender-based discrimination, or harassment. Retaliation is also prohibited against anyone who participates, assisted, or refused to participate in an investigation or adjudication of sexual misconduct, gender-based discrimination, and harassment. Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. Bentley is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation. Examples of retaliation can include hostility, intimidation, threats, coercion, exclusion, or discrimination directly or indirectly. Individuals found responsible for violating this policy will face sanctions that are commensurate with the severity of the violation, including University expulsion.

Retaliation, or the perception, of, can be committed by any person who retaliates against:

- i. anyone filing a report of under this Policy or a Formal Complaint,
- ii. the parties or any other participants (including any witnesses or any University employee) in the Adjudication Process relating to a Formal Complaint,
- iii. any person who refuses to participate in the Adjudication Process, or
- iv. any person who under this Policy opposed any unlawful practice is subject to disciplinary action up to and including dismissal or separation

from the University. If any participant in the Adjudication Process believes they have been subject to Retaliation (as defined in this Policy), they should immediately report the alleged retaliatory conduct to the Title IX Coordinator.

### XIII. Definition of Consent

**A.** Bentley's University's definition of consent applies to all of the acts listed above as prohibited conduct under this policy. Bentley University adheres to the following definition of consent:

**Consent** is a clear and voluntary agreement to engage in specific acts of sexual contact or activity, communicated through mutually understandable words or actions. Consent is always freely informed and actively given. Consent is an affirmative process. It is the responsibility of the person who wants to engage in sexual activity to make sure that they have received consent. If an individual initiating sexual activity is not sure if they have received consent, they have an obligation to seek additional clarification, as consent cannot be based on assumption. The existence of a dating relationship does not imply consent, and even once consent has been given, it can be withdrawn at any time. If consent is withdrawn, that sexual activity should cease immediately.

**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 and may never be obtained:

- i. Through the use of coercion, manipulation, intimidation, or force;
- ii. From an individual who is incapacitated; or
- iii. From an individual who is under the legal age of consent (16 in the state of Massachusetts).
- iv. Definitions of coercion, force, and incapacitation are included below:

**B. COERCION** is unreasonable pressure for sexual activity. Coercion can include the use of verbal or physical conduct such as manipulation, intimidation, isolation, force, or threats. 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.

**C. FORCE** is not only limited to physical violence but also includes threats, intimidation, abuse of power, coercion, duress, or any combination of these behaviors to overcome an individual's freedom to choose whether to engage in sexual activity. Sexual activity that is forced is, by definition, non-consensual. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

**D. INCAPACITATION** consent is not present when an individual is 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 sexual interaction. This includes a person whose incapacity results from mental disability, sleep, involuntary physical restraint, unconsciousness, or use of alcohol or other drugs. Incapacitation is a state beyond drunkenness or intoxication. A person is not necessarily incapacitated merely as a result of drinking or using drugs. The impact of alcohol and other drugs varies from person to person, and if there is any doubt as to the level or extent of the other person's intoxication or impairment, the prudent course of action is to forgo or cease any sexual contact or activity.

**a. In evaluating consent in cases of alleged incapacitation**, the University asks two questions: (1) *Did the person initiating sexual activity know that the other party was incapacitated?* and if not, (2) *Should a sober, reasonable person in the same situation have known that the other party was incapacitated?* If the answer to either of these questions is "Yes," consent was absent, and the conduct is likely a violation of this policy.

**E. UNDER LEGAL AGE**, consent is never present if an individual is under the legal age of consent (16 in the state of Massachusetts).

### XIV. Additional Provisions, Definitions, and Clarifications

**A. COMPLAINANT:** An individual bringing forth a report that they have experienced one or more alleged policy violations that could constitute harassment, discrimination, and/or retaliation under these policies.

**B. RESPONDENT:** An individual who is alleged to have carried out one or more of the prohibited acts or conduct defined in these policies.

**C. ADVISOR:** Throughout any investigation or resolution, each party has the right to consult with an Advisor of their choosing. The advisor may be any person chosen by the party or appointed by the University. The parties may be accompanied by their respective advisor at any meeting or proceeding related to the investigation or resolution of a report under this policy. While the

advisor may provide support and advice to the parties at any meeting and/or proceeding, the University may establish restrictions regarding the extent to which the advisor may participate in the proceedings. Advisors may not speak on behalf of the parties or otherwise participate in, or in any manner, delay, disrupt, or interfere with meetings and/or proceedings. Generally, the Title IX Office and investigator will communicate directly with the Complainant or Respondent, and any communications with an advisor may only occur after a FERPA waiver has been executed. An advisor should plan to make themselves reasonably available, and the University will not unduly delay the scheduling of meetings or proceedings based on the advisor's unavailability. The specific role of an Advisor differs between the two adjudication processes. Please see Appendix C for more information.

**D. WITNESS:** An individual, identified by one or more parties or the investigator, who has been deemed to have relevant information regarding the investigation. Witnesses reserve the right to determine whether they would like to participate in an investigation.

**E. EXPERT WITNESS:** An individual, identified by one or more parties or the investigator, who may provide professional opinion regarding evidence discovered in the independent investigation.

**F. LENIENCY (AMNESTY):** Individuals may be concerned about reporting sexual misconduct and gender-based harassment and discrimination, believing that their own behavior might subject them to disciplinary action (e.g., a Complainant or witness is underage and was using alcohol or drugs at the time of the incident). Witnesses and Complainants should be assured that the focus in matters of sexual misconduct, harassment, and discrimination 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. This is also in keeping with Bentley's medical amnesty and medical assistance policies.

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 or drugs (or by any other means) cannot give effective consent to sexual activity.

#### **G. 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 an excuse for failing to obtain consent. Please see Bentley's definition of Consent, in Section XIII of this document, for more information.

**H. PRESERVING EVIDENCE:** All parties involved in a matter under the Title IX and Gender-Based Harassment and Discrimination policy should preserve as much evidence as possible. In addition to any physical evidence that may be preserved, the following may also be helpful to an investigation and adjudication process:

- Any letters
- Notes
- Emails
- Phone calls
- Videos
- Photos
- Text Messages
- Social media postings (Facebook, Instagram, Twitter, Snaps, etc.),
- Computer and Phone screenshots
- Voicemails, or any other form of evidence that may be helpful.
- Chat room, message boards, blogs

#### **XV. Reporting an Incident**

Bentley reaffirms the rights of Complainants to decide whether they wish to be involved in any of the University's processes to address sex- and gender-based harassment or discrimination. All involved parties have many options, including seeking counseling or assistance from a Confidential Resource, making a Formal Report under this policy, and/or making a report to law enforcement. The University recognizes that deciding among these options can be difficult and is an intensely personal decision. Individuals are encouraged to seek assistance and to explore all potential reporting and support options.

Speaking to the Title IX Coordinator or Deputy Coordinators does not launch an immediate investigation. A Complainant will always be given various options for how they would like to proceed, or not proceed.

Individuals may choose to seek action or assistance both on campus as well as through the surrounding community. Additional or supportive measures may be provided to remedy the impact of the alleged misconduct as well as an investigation and adjudication process. The following situations

are an 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 the use of the University's processes and procedures
- To make Bentley aware of the behavior in case, it is part of a larger pattern
- To help prevent similar incidents happening again in the future
- To confront the individual and make your voice heard about how you feel about what happened
- To receive supportive measures such as assistance in changing classes or other on-campus arrangements
- To receive support in coping with an incident

**A. REPORTING CONFIDENTIALLY:** If you are an employee seeking support but want to maintain confidentiality, the best on-campus resources for you includes speaking with the Ombudsperson as a Confidential resource. If you are a student seeking support but want to maintain confidentiality, the best on-campus resources for you include speaking with Confidential resources within the Health Center, the Counseling Center, the Center for Wellness and Health Promotion, and the Spiritual Life staff. All of these resources are included in the cost of attendance for students, and the clinicians in the Health Center and Counseling Center staff can be seen on an emergency basis. The off-campus resources listed in Appendix E 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/Gender-Based Harassment and Discrimination procedures; and/or
- Do not want the Respondent (i.e., alleged violator) to know that you are seeking help or support

Please be aware that confidential resources have some obligations to report, **notably when the individual is in imminent danger or posing imminent danger to others.** There are also obligations to report situations involving the abuse of a minor. For additional information, please see section IV: Confidentiality, Privacy, and Reporting Responsibilities of Bentley Employees beginning on page 11 of this policy.

**B. INFORMAL RESOLUTION:** Individuals may seek an informal resolution in place of a formal report and investigation. In order to initiate informal

resolution, a Complainant needs to submit a formal complaint. The University, however, has the discretion to determine whether the nature of the reported conduct is appropriate for an informal resolution, to determine the type of informal resolution that may be appropriate in a specific case, and to refer a report for formal investigation at any time.

Participation in an informal resolution process is voluntary and requires written consent from all involved parties. The University will not compel a complaining party or Respondent to engage in an informal resolution, will not compel a Complainant to directly confront the Respondent, and will allow a Complainant or Respondent to withdraw from the informal resolution process at any time. The University may decline the request for informal resolution in any particular case and may terminate an ongoing informal resolution process at any time. Pursuing an informal resolution does not preclude later use of a formal investigation if the informal resolution fails to achieve a resolution acceptable to the parties and the University. When the Complainant or the Respondent withdraws from an informal resolution process, or when an informal resolution is otherwise terminated for any reason, any statements or disclosures made by the parties during the course of the informal resolution may be considered in a subsequent formal investigation

With any informal resolution, each party has the right to choose and consult with an Advisor. The Advisor may be any person, including an attorney, who is not otherwise a party or witness to the reported incident(s). The parties may be accompanied by their respective Advisors at any meeting or proceeding held as part of the informal resolution. While the Advisors may provide support and advice to the parties at any meeting and/or proceeding, they may not speak on behalf of the parties or otherwise participate in, or in any manner disrupt, such meetings and/or proceedings. Informal resolutions may include:

*i. Resolution with the Assistance of a Neutral Party:* A Complainant may seek assistance in informally resolving a report of prohibited conduct from the Title IX Coordinator, who can arrange to have a trained, neutral party facilitate a meeting or meetings between the parties. The availability of this informal resolution is subject to the agreement of the Title IX Coordinator, the Complainant, and the Respondent.

*ii. Interventions and Remedies:* Informal resolution agreements may involve a host of interventions and remedies, such as actions designed to maximize the complaining party's access to educational, extracurricular, and/or University employment activities; increased monitoring, supervision, and/or security at locations or activities where the prohibited conduct occurred

or is likely to reoccur; targeted or broad-based educational programming or training for relevant individuals or groups; academic and/or University housing modifications for involved parties; workplace modifications; and/or any other remedial or protective measures that can be tailored to the involved individuals to achieve the goals of the Policy.

Any form of informal resolution and any combination of interventions and remedies may be utilized. If an agreement acceptable to the University, the Complainant, and the Respondent is reached through an informal resolution process, the terms of the agreement are implemented, and the matter is resolved and closed. If an agreement is not reached, and the Title IX Coordinator determines that further action is necessary, or if a Respondent fails to comply with the terms of the informal resolution, the matter may be referred for a formal investigation. The Title IX Coordinator will maintain records of all reports and conduct referred for informal resolutions. The Complainant and Responding parties should also know that the Complainant has the option to bring criminal or civil actions against the Respondent.

**C. FORMAL REPORTING OPTIONS:** Bentley University encourages all students, faculty, and staff to file a formal report of an incident to designated campus officials. A list of all responsible employees (those designated officials who have a duty to report incidents of misconduct to the Title IX Coordinator) can be found in Appendix E of this policy. Reporting to any of these individuals is considered official notice to the University. After you filed a report and requested an investigation, you should expect the University 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, Complainant, Respondent, Advisors, witness(es), and Title IX Coordinators.

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 note: University Police will meet with members outside of the Bentley Police station if requested.

Please note, privacy provisions in Section IX shall apply to a Formal Report.

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 Respondent 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 Title IX and the Gender-Based Harassment and Discrimination procedures (including investigations and hearings), please contact the Title IX Coordinator or Deputy Title IX Coordinators. You can also review the full policy and appendices here.

## **XVI. Investigation and Adjudication Procedures and Protocols**

For information regarding investigation and adjudication procedures and protocols for reports involving students, please see Appendix C of this policy. For procedures and protocols for reports involving only faculty and staff, please see Appendix D of this policy.

## **XVII. Prevention and Education**

Bentley University prides itself on being a leader in providing ongoing educational programs, annual training, lectures, and initiatives for its community related to sex/gender-based discrimination risk reduction and bystander intervention. Examples of these educational efforts include:

- HAVEN (a mandatory online training that educates and raises awareness regarding sexual assault for both undergraduate and graduate students)
- AlcoholEdu (a mandatory online training that inspires students to reflect on and consider changing their drinking behaviors)
- Consent Day
- White Ribbon Campaign
- Walk a Mile in Her Shoes
- Guess the Straight Person
- Bystander training
- One Love Foundation’s Escalation workshop
- Hook up culture panels
- Ally training
- Documentaries and guest speakers
- Training around trauma-informed approaches to sexual misconduct
- Training around sensitivity toward marginalized identities

## **XVIII. Training of Title IX Coordinators, Investigators, Hearing Officers, Appellate Authorities, Faculty and Staff**

The University will provide appropriate training to all Title IX-related personnel with responsibilities under this policy, including the Title IX Coordinators, Deputy Coordinators, Investigators, and those with authority over University Adjudication Processes, and Appeals. The training will be

conducted each academic year and will cover the University's applicable prohibited conduct, adjudication processes, due process, and applicable federal and state laws and regulations. The annual training will also ensure that all Title IX-related personnel will be able to appropriately address allegations, provide accurate information to members of the community, protect the safety, and promote accountability. These training materials are publicly available on the University's Title IX and Gender-Based Harassment & Discrimination website and will be made available for in-person review upon request.

## **XIX. Annual Review**

This policy is maintained by the Title IX Office. The University will review this policy on at least an annual basis. The review will capture evolving legal requirements, evaluate the supports and resources available to the parties, and assess the effectiveness of the resolution processes (including the fairness of the process, the time needed to complete the process, and the sanctions imposed). The review may incorporate feedback from parties and an aggregate view of reports, resolution, and climate..

## **Appendix A: Campus and Community Resources for Title IX and Gender-Based Harassment and Discrimination Processes**

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 different 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 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.

**A. ACCOMMODATIONS FOR STUDENTS WITH DISABILITIES.** By federal law, a person with a disability is any person who: 1) has a physical or mental impairment; 2) has a record of such impairment; or 3) is regarded as having such an impairment, which substantially limits one or more major life activities such as self-care, walking, seeing, hearing, speaking, breathing, or learning. A student requesting an accommodation in regard to a Title IX investigation/adjudication process must follow the appropriate process for requesting an accommodation through the Office of Disability Services (located in Jennison Hall). Additionally, the Office of Disability Services can provide students with a comprehensive list of off-campus resources. The Office of Disability Services will make a determination regarding the request and notify the Title IX staff. Reasonable accommodations depend upon the nature and degree of severity of the documented disability. While the Americans with Disabilities Act of 1990 requires that priority consideration be given to the specific methods requested by the student, it does not imply that a particular accommodation must be granted if it is deemed not reasonable and other suitable techniques are available.

**B. 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.

**C. THE BENTLEY CARE TEAM:** Is a group of professionals from various departments across campus who are available to provide support, guidance, or feedback to students responding to allegations of sexual misconduct. They can help connect students to appropriate resources, both on and off-campus, when mental, emotional, academic, or physical well-being is impacted. If you are interested in utilizing the support of the CARE Team, please visit [www.bentley.edu/bentley-cares](http://www.bentley.edu/bentley-cares) to submit a CARE report or call the CARE Team case manager at 781.216.7115.

**D. HUMAN RESOURCES.** Employees of the institution may consider seeking support from either the Human Resources department, or the Employee Assistance Program (EAP). More information about Human Resources and the EAP can be found at <https://www.bentley.edu/offices/human-resources>, or by calling 781.891.3427. The Human Resources offices are located in Rauch 201.

**E. CONFIDENTIAL REPORTING/RESOURCES ON CAMPUS.** If you are not sure if you would like to proceed with formal complaint (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 Health Center, and the Spiritual Life staff can be good places to start if you are not sure whether to report:

- **Bentley Ombudsperson.** 781.891.3102. The Ombudsperson is an independent confidential resource available to employees.
- **Bentley EthicsPoint Anonymous Hot Line.** 866.384.4277 Bentley has established a hotline to provide a way to report, anonymously and confidentially, activities that may involve improper conduct, violate Bentley's policies or constitutes a violation of law.
- **The Counseling Center.** 781.891.2274 (located on the second floor of the Callahan Police Building). All Staff Members in this office are Confidential Resources.
- **The Health Center:** 781.891.2222 (located in the basement of Rhodes Hall). All clinical staff are confidential resources
- **The Wellness Center.** 781.891.2274 (located on the second floor of the Callahan Police Building). Prevention staff in the Wellness Center are trained and Confidential Resources.
- **The Spiritual Life Center.** 781.891.2418. All ordained ministers are confidential resources. All other staff members are limited reporters

**F. 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:

- **Title IX Coordinator and Title IX Staff:** 781-891-2161 (located in the

Student Center 320, [www.bentley.edu/titleix](http://www.bentley.edu/titleix))

- **The Residential Center:** 781-891-2148 (located in the Student Center 320)
- **Bentley University Police** (located on the first floor of the Callahan Police Building):
  - Non-Emergency: 781-891-2201
  - Emergency: 781-891-3131

**G. OFF-CAMPUS/COMMUNITY RESOURCES** The following resources are not managed by Bentley University but may be helpful to individuals, especially in assisting 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 affect 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.

## REACH (Refuge, Education, Advocacy, Change)

Hotline: 1.800.899.4000

REACH is committed to advancing the safety, healing, and empowerment of those who experience domestic or relationship violence through direct services and education while promoting social justice for individuals and families of all backgrounds. Based in Waltham, REACH offers free, community-based supportive services, including support groups, legal and community advocacy, and child and adolescent therapy.

## 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. Additionally, the kits can remain confidential and are released to the police only at the victim's request.

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: Responding to Title IX Allegations

This document serves as a resource for students, faculty, and staff responding to allegations of sex- or gender-based harassment and discrimination under one of two adjudication processes: The Title IX Process or the Gender-Based Harassment & Discrimination (GBHD) Process. A student, faculty, or staff member who participates in a formal or informal resolution process under either the Title IX process or the GBHD process will be referred to as a "Respondent."

### Bentley's Title IX Process and GBHD Process prohibits the following conduct:

- Sexual Harassment
- Sexual Assault
- Relationship Abuse (Dating/Domestic Violence)
- Stalking
- Complicity
- Exploitation
- Harassment based on Sexual Orientation, Gender, or Gender Identity
- Hostile Environment
- Online and Cyber Misconduct
- Retaliation

Please note that Bentley has a duty to respond to these incidents regardless of the presence of alcohol or other drugs.

If a student has alleged that you violated any of the prohibited conduct under the Title IX and Gender-Based Harassment and Discrimination Policy, this guide will provide you with some resources and options for preparing for the upcoming procedures.

## Campus Resources

Participating in a Title IX or GBHD resolution process can be a difficult experience. Bentley has a variety of resources available to support you through this process. We especially encourage you to utilize services from confidential employees during this process and beyond. Staff who serve as Confidential Employees under Title IX are not required to report any information about an incident without the responding party's permission.

The following offices offer confidential services for students:

**The Counseling Center** is a confidential, non-judgmental space available for students who are responding to allegations of sexual misconduct. This office is available to help you process your experience and help you develop the best course of action going forward. Please call to make an appointment at 781.891.2274 or visit their office on the second floor of Callahan Building if you wish to speak with one of our providers.

**The Wellness Center** is a confidential, non-judgmental space available for students who are responding to allegations of sexual misconduct. This office is available to help you process your experience and help you develop the best course of action going forward. Please call to make an appointment at 781.891.2600 or visit their office on the second floor of Callahan Building if you wish to speak with one of our providers

**The Health Center** provides immediate confidential, nonjudgmental medical care and support during office hours for students responding to allegations of sexual misconduct. The office provides emotional support and can facilitate smooth referrals to counseling services on and off-campus, and then to the Title IX team if desired by the student. They can be reached during their office hours on the ground floor of Rhodes Hall or at 781.891.2222.

**The Spiritual Life Center** provides compassionate and confidential pastoral care for students who are responding to allegations of sexual misconduct. While students do not need a connection to a religious tradition to receive counsel from a Chaplain, faith-based care is provided as desired. Please call to make an appointment with one of the Chaplain at 781.891.2418

In addition to the confidential resources listed above, there are a variety of offices and staff members on campus who can offer support but who have a duty to report incidents to the Title IX staff.

Some of these Offices include the Multicultural Center, the Center for International Students and Scholars, the Athletics Department, the Residential Center, Student Programs & Engagement, Career Services, Registered Student Organization Advisors, and Faculty Chairs of Departments.

Finally, the **Bentley Care Team** is a group of professionals from various departments across campus who are available to provide support, guidance, or feedback to students responding to allegations of sexual misconduct. They can help connect students to appropriate resources, both on and off-campus, when mental, emotional, academic, or physical well-being is impacted. If you are interested in utilizing the support of the Care Team, please visit [www.bentley.edu/bentley-cares](http://www.bentley.edu/bentley-cares)

to submit a Care report or call the Care Team case manager at 781.216.7115.

### Accommodations for Students with Disabilities:

By federal law, a person with a disability is any person who:

1. has a physical or mental impairment;
2. has a record of such impairment; or
3. is regarded as having such an impairment,

which substantially limits one or more major life activities such as self-care, walking, seeing, hearing, speaking, breathing, or learning. A student requesting an accommodation in regards to a Title IX or GBHD investigation/adjudication process must follow the appropriate process for requesting an accommodation through the Office of Disability Services (located in Jennison Hall).

Additionally, the Office of Disability Services can provide students with a comprehensive list of off-campus resources. The Office of Disability Services will make a determination regarding the request and notify the appropriate parties. Reasonable accommodations depend upon the nature and degree of severity of the documented disability. While the Americans with Disabilities Act of 1990 requires that priority consideration be given to the specific method requested by the student, it does not imply that a particular accommodation must be granted if it is deemed not reasonable and other suitable techniques are available. Please note, staff within the Office of Disability Services are not confidential staff members but are responsible employees with a duty to report disclosures that fall under Title IX or GBHD policies.

### General Rights Under Title IX

As a member of the Bentley community, you are entitled to the following rights under Title IX:

- Bentley is required to undertake a prompt and thorough investigation of all reports of gender- and sex-based misconduct. This investigation is designed to be impartial, and the University utilizes independent, external investigators to help reduce any bias in the process.
- The Title IX staff can offer supportive measures and reasonable protective measures to help you continue to live and learn at Bentley for the duration of the investigation.
- The University has a strict and specific language that protects against retaliation. You should be able to participate in the Title IX

investigation without facing any form of retaliation.

### Preparing for the Investigation Process:

There are several areas for consideration as you prepare for the Title IX investigation. This section highlights some of those topics and offers some suggestions for preparation.

**1. Document your account of the incident.** This can be a stressful experience, and there may be a great deal of information you would like the independent investigator to consider in the process. It is often helpful to record your understanding and recollections of the situation to the greatest detail possible prior to the meeting with the investigator. Among the various details in the documentation, consider including previous communications (e.g., text messages, social media exchanges) and a list of potential witnesses).

**2. You are entitled to an advisor (support person) through the process.** An advisor (support person) can be any person you feel comfortable confiding in, and they do not need to be affiliated with the University. A support person may accompany you to any part of the adjudication process, including any meetings with the Title IX Coordinator, the Hearing, and meeting with the independent investigator. The advisor (support person) does not participate in the process and cannot serve as a witness to the allegations in the report.

**3. Advisor/Support Person of Choice.** Some individuals chose to utilize an attorney as an advisor (support person); you are encouraged to decide whether that option makes sense for you. As the University process is administrative, you will never be required to have an attorney in the Title IX or GBHD investigation/adjudicatory process.

## Appendix C: Investigation and Adjudication Procedures and Protocols for Incidents Involving Students

### I. INTRODUCTION AND OVERVIEW:

The University is committed to providing a prompt, thorough, equitable, and impartial resolution of all reported violations of Title IX and Gender-Based Harassment and Discrimination Policy (“the Policy”).

Under Title IX Regulations, Universities are required to distinguish between prohibited conduct that is “under Title IX” and prohibited conduct that is a violation of other University policies. Therefore, the University uses two processes to resolve formal reports of prohibited

conduct under this Policy.

The allegation, location of incident, affiliation to Bentley, and other factors can influence which adjudication process is applied to each case. One qualifying allegation under the Federal definition of Title IX, even when allegations applicable under the Gender-Based Harassment & Discrimination policy are included, will result in the Title IX Adjudication process.

1. **The First Process** is defined as the “Title IX Process” and will **only** apply to qualifying allegations of sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined in the Policy) involving students. The Title IX Process involves an investigation, a live hearing (with cross-examination), adjudication, and, if appropriate, the imposition of sanctions.

In order for a matter to qualify for adjudication under the Title IX adjudication process, the following must be met:

When is a matter adjudicated under Title IX: Qualifications under the required Federal Definition	
<ul style="list-style-type: none"><li>• Sexual Harassment</li><li>• Sexual Assault</li><li>• Relationship Violence</li><li>• Stalking</li></ul>	<ul style="list-style-type: none"><li>• Incident took place on Bentley’s campus</li><li>• Respondent is actively affiliated with Bentley University at the time of Incident</li><li>• Must be deemed as severe, pervasive, AND objectively offensive to a reasonable person</li><li>• Hearing must involve live cross-examination</li></ul>

2. **The Second Process** is defined as the “Gender-Based Harassment and Discrimination Process,” known as the “GBHD Process” and **will apply** if other allegations are invoked under this policy, based on other protected class harassment and discrimination that is not covered in the Title IX Process. Such allegations include, but are not limited to, sexual exploitation, harassment based on sexual orientation, gender or gender identity, online misconduct, and other gender-based harassment and discrimination as defined in the Policy. The applicable resolution of such offenses, known as the GBHD Process, can also apply to sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined above) when jurisdiction does not fall within the Title IX Process, as determined by the Title IX Coordinator. The GBHD Process involves an investigation, a three-person panel hearing, adjudication, and, if appropriate, the imposition of sanctions.

In order for a matter to qualify for adjudication under the GBHD adjudication process, the reported matter must fall outside of

allegations of Sexual Harassment, Sexual Assault, Relationship Violence, or Stalking **AND** does not qualify under the Title IX Adjudication process **OR** when a report involves any alleged violation of Sexual Exploitation, Harassment based on Sexual Orientation, Gender, and Gender Identity, Online Misconduct, Complicity, and Retaliation:

When is a matter adjudicated under GBHD: Qualifications under Bentley University Policy	
<ul style="list-style-type: none"> <li>• Sexual Harassment</li> <li>• Sexual Assault</li> <li>• Relationship Violence</li> <li>• Stalking</li> <li>• Sexual exploitation</li> <li>• Harassment based on Sexual Orientation, Gender, Gender Identity</li> <li>• Online Misconduct</li> <li>• Complicity</li> <li>• Retaliation</li> </ul>	<ul style="list-style-type: none"> <li>• Incident took place off of Bentley’s campus (i.e. Study Abroad, Off-Campus House)</li> <li>• Respondent is actively affiliated with Bentley University at the time of Incident</li> <li>• Must be deemed a violation of stated Bentley University policy</li> <li>• Hearing does NOT involve a live-hearing with cross-examination</li> </ul>

The primary difference between the two processes is the manner in which the hearing will be conducted during the Adjudication Process. The manner of how the investigation is conducted will be identical. This distinction which will be discussed in further detail in this Appendix

All other allegations of misconduct unrelated to incidents covered by the Policy will be addressed through procedures elaborated in the student, faculty, and staff handbooks, as discussed in Section V. of the Policy.

Additionally, there may be an option for resolving reports through an **Alternative Resolution**. This process includes informal options for resolving reports. The Title IX Coordinator will determine if this is an appropriate option for resolution after making an initial assessment of the reported information, considering the stated interests of the Complainant and Respondent, campus safety, and the University’s obligation to maintain an environment free from harassment and discrimination.

Impacted individuals may also report to law enforcement by filing a police report with the Bentley Police Department at 781-891-2201 or to the City of Waltham Police Department 781-893-1212 or to other local law enforcement authorities.

The processes under this policy are separate and distinct from Massachusetts’ criminal process. Proceedings under this policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus. Neither a decision by law enforcement

regarding prosecution nor the outcome of any criminal proceeding will be considered determinative of whether a violation of this policy has occurred.

Furthermore, if there is a Concurrent Criminal or Civil Proceedings, the University will not, as a matter of course, wait for the outcome of a concurrent criminal or civil justice proceeding to take action on a Formal Complaint in a University Adjudication Process. The University has an independent duty to respond to Formal Complaints of sexual harassment, and discrimination under this Policy.

Bentley also reaffirms the rights of Complainants to decide whether they wish to be involved in any of the University’s processes to address sex- and gender-based harassment or discrimination. 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 Health Center, the Boston Area Rape Crisis Center, REACH Beyond Domestic Violence, and/or seek medical attention

## II. ADDITIONAL PRELIMINARY INFORMATION

A. Compliance with Bentley University’s Title IX and Gender-Based Harassment and Discrimination policies and adjudication processes is a community-wide responsibility. Therefore, the University expects all members of the University community to cooperate fully with the investigation and resolution procedures, including but not limited to attending all requested meetings with the Title IX Team, investigators, providing all requested information (e.g. schedules, evidence, etc.) in a timely manner, and active participation in a hearing, where applicable. In an instance where a Complainant fails to comply with the stated Adjudication process, the University reserves the right to dismiss the reported allegations. Should a Respondent fail to comply with the stated Adjudication process, the University will continue to reserve the right to render a formal decision based on the information provided by the complainant and witnesses. Witnesses are encouraged to cooperate and speak the truth. In accordance with the University’s core value of honesty, witnesses who fail to comply with any portion of an adjudication process may receive appropriate administrative action through the Student Conduct system.

- B. False Information and False Complaints.** Any person, who in bad faith, knowingly files a false complaint under this Policy or provides materially false information is subject to disciplinary action up to and including dismissal or separation from the University. A determination that a Respondent is not responsible for allegations of Sexual Misconduct does not imply a report, Formal Complaint, or information provided was false. Similarly, a determination that a Respondent is responsible for a policy violation does not imply that a Respondent's statements disclaiming responsibility were false.

Additionally, 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 Panel). Knowingly making false statements or presenting inaccurate information is unacceptable and will result in a separate disciplinary action regarding that conduct.

- C. Counterclaims.** The University is obligated to ensure that the adjudication process is not abused for retaliatory purposes. The University permits the filing of counterclaims but uses an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith. Counterclaims by the Respondent may be made in good faith, but are, on occasion, also made for purposes of retaliation. Counterclaims made with retaliatory intent will not be permitted.

Counterclaims determined to have been reported in good faith will be processed using the adjudication procedures below. Investigation of such claims may take place after the resolution of the underlying initial allegation, in which case a delay may occur.

Counterclaims may also be resolved through the same investigation as the underlying allegation, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this policy.

- D. 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, gender-based discrimination, or harassment. Retaliation is also prohibited against anyone who participates, assisted, or refused to participate in an investigation or adjudication of sexual misconduct, gender-based discrimination, and harassment. Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. Bentley is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation. Examples of retaliation can include hostility, intimidation, threats, coercion, exclusion, or discrimination directly or indirectly. Individuals found responsible for violating this policy will face sanctions that are commensurate with the severity of the violation, including University expulsion.

Retaliation, or the perception, of, can be committed by any person who retaliates against

- i. anyone filing a report of under this Policy or a Formal Complaint,
- ii. the parties or any other participants (including any witnesses or any University employee) in the Adjudication Process relating to a Formal Complaint,
- iii. any person who refuses to participate in the Adjudication Process, or
- iv. any person who under this Policy opposed any unlawful practice is subject to disciplinary action up to and including dismissal or separation from the University. If any participant in the Adjudication Process believes they have been subject to Retaliation (as defined in this Policy), they should immediately report the alleged retaliatory conduct to the Title IX Coordinator.

- E. Advisors.** Throughout any investigation or resolution, each party has the right to consult with an advisor of their choosing. The advisor may be any person chosen by the party or appointed by the University. The parties may be accompanied by their respective advisor at any meeting or proceeding related to the investigation or resolution of a report under this policy. While the advisor may provide support and advice to the parties at any meeting and/or proceeding, the University may establish restrictions regarding the extent to which the advisor may participate in the proceedings. Advisors may not speak on behalf of the parties or otherwise participate in, or in any manner, delay, disrupt, or interfere with meetings and/or proceedings. Generally, the Title IX Office and

investigator will communicate directly with the Complainant or Respondent, and any communications with an advisor may only occur after a FERPA waiver has been executed. An advisor should plan to make themselves reasonably available, and the University will not unduly delay the scheduling of meetings or proceedings based on the advisor's unavailability. It is important to note that the specific role of an advisor will vary depending upon the adjudication method (Title IX/GBHD).

### III. TITLE IX COORDINATOR RESPONSE

#### A. Notice of Complaint/Reporting Incidents

Upon receipt of a complaint or notice to the Title IX Coordinator of an alleged violation of the Policy from a Complainant or reporting party, the University will begin a prompt initial assessment to determine the next steps the University needs to take.

#### B. Initial Assessment

After receiving a report of prohibited conduct, the Title IX Office will gather information about the reported conduct and respond to any immediate health or safety concerns raised by the report. Speaking to the Title IX Coordinator or Deputy Coordinators does not launch an immediate investigation. A Complainant will always be given various options for how they would like to proceed, or not proceed. The Title IX Office will assess the Complainant's safety and well-being, offer the University's support measures and assistance. The Title IX Coordinator will assess the nature and circumstances of the report to determine whether the reported conduct raises a potential policy violation, whether the reported conduct is within the scope of this Policy, and the appropriate manner of resolution under this Policy.

The Title IX Coordinator may consult with the University's Threat Assessment Team, or other University administrators as part of the initial assessment.

As part of the initial assessment, the Title IX Office will:

- Assess the nature and circumstances of the report, including whether it provides the names and/or any other information that identifies the complainant, the respondent, any witness, and/or any other individual with knowledge of the reported incident;
- Provide the Complainant with written information about on-and off-campus resources; notify the complainant of the

range of supportive measures available (regardless of whether they choose to participate in a University or law enforcement investigation and adjudication process); and their right to an Advisor.

- Provide the Complainant with an explanation of the procedural options, works with the Complainant to determine whether the Complainant prefers a supportive and remedial response, an informal resolution option (if available), or a formal investigation and adjudication process through the University.

At the conclusion of the initial assessment, the University will proceed with one of the following options:

1. **Provide supportive measures as a response.** This will occur when the Complainant identified their wishes to receive supportive measures as a response. The Title IX Coordinator will then seek to facilitate implementation. The Complainant always has the ability to elect or initiate an investigation and adjudication later, if desired.
2. **Proceed with an investigation under the Title IX Process.** This will occur when a Complainant requests an investigation, and the Title IX Coordinator determines the misconduct alleged falls within the scope of Title IX.
3. **Proceed with an investigation under the GBHD process.** This will occur when a Complainant requests an investigation, and the Title IX Coordinator determines that Title IX Process does not apply (and result in "dismissing a formal complaint under Title IX Process") and then refer the matter for appropriate resolution under the GBHD Process.
4. **Proceed with an investigation initiated by the Title IX Coordinator.** This will occur when the Title IX Office determines that an investigation must be pursued even when a Complainant requests that no investigation or adjudication process be pursued; or when Alternative Resolution is not appropriate or available.
5. **Proceed with Alternative Resolution.** This option will be available after the Title IX Coordinator determines if the complaint is suitable for informal resolution, (and which informal mechanism may serve the situation best or is available under the circumstances). The Title IX Coordinator will seek to determine if the Respondent is also willing to engage in informal resolution.
6. **Refer the matter to another appropriate office or department for**

**resolution.** If the nature of the allegations is outside the scope of this policy, the matter will be referred to another appropriate office or department for resolution under the relevant University policy.

7. **Close the report with the option to re-open it at another time.** If the Complainant requests resolution or if the University subsequently determines there is a need to further investigate the alleged misconduct. This option could include notifying the Respondent of the alleged misconduct. The level of detail shared will be at the discretion of the Title IX Coordinator. In these instances, the Respondent will not be required to make a statement or accept/deny responsibility for the alleged conduct.

Please note that dismissing a complaint under Title IX Process is just procedural, and does not limit Bentley’s authority to address a complaint with an appropriate process and remedies. This process is described in more detail in Section C of this Appendix.

When the Title IX Coordinator decides to initiate an investigation, impose supportive measures, or take any other action that impacts a Respondent, the Title IX Coordinator will also ensure that the Respondent is notified and receives written information on available resources and options, consistent with the list outlined above, as applicable.

The Title IX Coordinator will inform and explain the University’s policy prohibiting retaliation to all parties involved, that the University will take prompt action when retaliation is reported, and how to report acts of retaliation.

#### IV. INVESTIGATION PROCESS

##### A. Formal Complaint

1. The Complainant must initiate a request for an investigation and submit it to the Title IX Coordinator. This can be done by submitting a report through the Title IX and Gender- Based Harassment & Discrimination online reporting form online reporting form, sending an email, or otherwise submitting the request in writing. The Complainant must submit a written statement setting out the known details of the alleged conduct that is the subject of the Formal Complaint, including the following:
  - Complainant’s name and contact information;
  - Respondent’s name;

- Detailed description of the alleged conduct or event that is the basis of the alleged violation under this Policy;
- Date(s) and location(s) of the alleged occurrence(s); and
- Names of any witnesses to the alleged occurrence(s); the resolution sought.
- The Complainant may also submit any documents or information that is relevant to the Formal Complaint.

The statement and information provided must be written by the Complainant. The Complainant may also submit additional 3rd party reports (i.e. University Police reports, reports from the Administrator on Duty, etc.) to supplement their own written report.

2. The Title IX Coordinator may also initiate a Formal Complaint against a Respondent (requesting an investigation) and, in doing so, will initiate the Adjudication Process.
3. The Title IX Coordinator, on behalf of Bentley University, may also initiate an Inquiry to be conducted by an Independent Investigator. The purpose of an inquiry is to determine if there is a policy violation, and if so, which adjudication process the matter will be adjudicated under.

##### B. Mandatory and Discretionary Dismissals of Formal Complaint

Under Title IX Regulations, Universities are required to distinguish between prohibited conduct that is “under Title IX” and prohibited conduct that is a violation of other University policies (GBHD). Under Title IX, the University **must dismiss** a Formal Complaint or the part of the allegations in a Formal Complaint, if applicable, during the investigation or hearing where it determines that:

- The conduct alleged in the formal does not meet the definition of sexual harassment as defined in this policy;
- The alleged conduct did not occur in the University’s education program or activity; or,
- The alleged conduct did not occur against a person in the United States.

It is important to note that a dismissal under this provision only applies to allegations of sexual harassment under Title IX. In such an instance, the University may still investigate a Formal Complaint about allegations of sexual harassment as defined under this Policy. The University may also investigate allegations of prohibited conduct

under this Policy, but it will not technically be “under Title IX Process.”

The University may dismiss a Formal Complaint, at its discretion, under this Policy’s Adjudication Process for any of the following circumstances:

- If the Complainant requests in writing to dismiss a Formal Complaint (e.g., withdraws the Formal Complaint or any allegations therein),
- If the Respondent is no longer enrolled or employed by the University at the time the Formal Complaint is filed;
- Any specific circumstances that prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint or any allegations therein; or
- The conduct alleged does not meet the definition of any prohibited conduct under this Policy.

If the University dismisses a Formal Complaint, the University must provide both parties with written notice of the dismissal and the reason(s) for the dismissal.

### C. Notification of Formal Complaint to Respondent

The Title IX Coordinator will provide written notice of a Formal Complaint to the Respondent when a formal report has been filed against them. The Respondent will be allowed a reasonable time to respond in writing and through an interview with the investigator.

**Initial Meeting.** Notice that a formal report has been filed against a Respondent will be provided to that student in person or through video conference. The Respondent is welcome to bring an advisor to this initial meeting. At this meeting, the Title IX or Deputy Title IX Coordinator will discuss the nature of the report, explain the rights and responsibilities of the Respondent and explain the prohibition against retaliation, review the investigation and Adjudication Process and give the responding party a copy of the relevant policies. The University will provide written notice to a party whose participation is invited or expected of the date, time, location, participants, and purpose of all meetings, investigative interviews, or other proceedings in the Adjudication Process.

**Confidentiality/Non-Retaliation Acknowledgment.** The Complainant and Respondent will be able to discuss the facts underlying the

subject of the Formal Complaint with counselors, clergy, other therapeutic professionals, and family. The Complainant and Respondent should refrain from discussing the Formal Complaint itself and/or the adjudication process with anyone affiliated with Bentley not related to the Formal Report. This is to preserve the integrity of the investigative process and also to prevent allegations of retaliation. Through this acknowledgment, the Complainant and Respondent also agree to refrain from any retaliatory conduct against the opposing party or any witnesses in the matter and may be responsible for any retaliation by persons affiliated with the opposing party (i.e., a friend or family member).

**Responding Party's Statement.** The Respondent will be allowed a reasonable time to respond in writing and through an interview with the investigator. The Respondent may choose to provide a written response to the Formal Complaint but is not required to do so. The Respondent’s statement will be submitted to the independent investigator and serves as an opportunity to respond to the allegations made by the Complainant. This statement should provide as much detail as possible about the facts surrounding the alleged misconduct and must be written by the Respondent.

### D. Alternative Resolution Option of Certain Formal Complaints-Optional

After the parties have been provided a copy of the written notice of a Formal Complaint, both parties may, in writing, voluntarily agree to use this Alternative Resolution option, if applicable, at any point prior to reaching a determination regarding responsibility, but the parties are not required to do so. The Title IX Coordinator or Deputy Coordinators will review any request for an Alternative Resolution and either approve or deny that request based on the reported behavior and the allegations involved. The Alternative Resolution entails the parties forgoing the Investigation and Adjudication Process (including the investigation, report, hearing, adjudication, and sanctions, if applicable) depending on when the parties agree to engage in an Alternative Resolution). For example, the Alternative Resolution may include a mediation process.

At any point prior to agreeing to an Alternative Resolution, each party has a right to withdraw from the Alternative Resolution process and resume the Investigation and Adjudication Process with respect to the Formal Complaint.

### E. University Officials in the Investigation and Adjudication Process.

- 1. Title IX Coordinator.** The Title IX Coordinator is the senior University administrator who oversees the University's compliance with the federal law of Title IX. The Title IX Coordinator is responsible for the administrative response to reports and Formal Complaints of harassment, discrimination, retaliation, and other conduct prohibited under this Policy. The Title IX Coordinator is available to discuss the Adjudication Process, coordinate supportive measures, explain University policies and procedures, and provide education on relevant issues. The Title IX Coordinator may designate one or more Deputy Title IX Coordinators to facilitate these responsibilities. Any member of the University community may contact the Title IX Coordinator with questions.
- 2. Investigator.** The University will ensure that Formal Complaints are properly investigated under this Policy by independent investigators assigned to the Formal Complaint. The investigators are not Bentley University employees, and are neutral, impartial fact-finders and gather evidence during the investigation. The investigators are responsible for completing an investigation report at the conclusion of the investigation. The Title IX Coordinators may supervise and advise the investigators when conducting investigations and to ensure compliance with Title IX.
- 3. Hearing Panelist.** A Hearing Panelist is responsible for conducting the hearing in an orderly manner, controlling the conduct of all participants and attendees of the hearing, and rendering a written determination regarding the responsibility of the Respondent's alleged conduct charges in an impartial, neutral, and objective manner.

Any of the University Officials and individuals listed above who are materially involved in the administration of the resolution, investigation, and adjudication process may not have or demonstrate a conflict of interest or bias towards any of the parties.

The Title IX Coordinator will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another member will be assigned, and the impact of the bias or conflict,

if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with the Associate Dean of Student Affairs, John Piga.

The Formal Adjudication Process involves an objective evaluation of all relevant evidence obtained, including inculpatory evidence which supports that the Respondent engaged in a policy violation and exculpatory evidence which supports that the Respondent did not engage in a policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness.

The University operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation by the applicable standard of proof.

### III. INVESTIGATION PROCESS OF THE FORMAL COMPLAINT – GATHERING OF EVIDENCE.

After determining that a reported matter will be investigated, Title IX Coordinator will initiate an investigation, utilizing neutral, external investigators retained by Bentley. These investigators have been vetted by the University, are determined to be free from bias, and well-trained in conducting Title IX investigations. If a party has concerns regarding the Independent Investigators' ability to conduct an unbiased investigation, those must be raised within 72 hours of notice of the Independent Investigator's name and place of employment.

It is the responsibility of the investigator, not the parties or their advisor, to gather the evidence relevant to the formal report and the facts raised in the parties' statement, to the extent reasonably possible. At no time should an Advisor or a Party conduct interviews with other involved individuals, but instead should provide the names of those individuals to the investigator for the Investigator to conduct an interview. 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 Complaint. 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 should make themselves reasonably available to the Investigator.

The Bentley Core Values 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 to this core belief and may face disciplinary action for their refusal to cooperate.

#### A. Evidence.

The parties in the investigation may present any information and evidence that may be relevant to the Formal Complaint and may have an advisor of their choice attend any related interview, meeting, or proceeding in the Adjudication Process. New evidence can be submitted to the investigator through the end of designated Preliminary Investigation Report time period in order to be included in the Final Investigation Report, and used by the Panel to render a decision. Advisors are not permitted to actively participate in meetings or proceedings in the Adjudication Process unless explicitly outlined in this Policy regarding the Hearing. The parties may present the names of any fact or expert witnesses who may provide relevant information, and how the witnesses may be relevant to the Formal Complaint. The parties may submit to the investigator any questions they would like asked of any known potential witnesses or parties.

#### B. Witness Interviews.

The investigators will interview relevant and available witnesses or expert witnesses identified by the parties or that the investigator deems to be relevant to the resolution of the Formal Complaint. Neither the Complainant nor the Respondent will attend these interviews.

Witnesses may request from the Title IX or Deputy Title IX Coordinator a University Advisor to be present with them during their interview. Prior to being interviewed, a witness will be required to agree and acknowledge the privacy/non-retaliation agreement 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 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, video conference, or email.

**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. Should a Party request that an expert witness be interviewed by the Investigator, the Title IX Coordinator or Deputy Coordinators will request that individual's CV, contact information, as well as a list of questions that the Party would like the investigator to ask of the expert witness.

#### C. Investigation Timeframe.

The investigation of a Formal Complaint can take up to 90 days to resolve from the filing of a Formal Complaint. There are always exceptions and circumstances that can cause an investigation to take longer. There may be delays such as gathering evidence, availability of the parties and/or witnesses, and University breaks or vacations. The University will strive to complete the investigation and avoid delays that are within its control. The parties will be provided updates on the progress of the investigation, as needed.

#### D. Access to Evidence.

Once the independent investigation has been completed, the investigator will evaluate the information obtained during this process. Prior to the completion of the investigation report, the investigators will provide access to all evidence obtained (whether relevant or not) as part of the investigation to both parties (and the party's advisor, if any, upon a party's signed information release for their advisor of choice). Both parties will have ten (10) days to inspect, review, and respond to the evidence. All responses to the evidence must be submitted by the party in writing to the investigator. Advisors are not permitted to submit written responses to the evidence on their own or on behalf of the party they are advising. The investigators will consider all timely responses submitted by the parties.

The 2020 Federal Regulations protect the privacy of a party's medical, psychological, and similar treatment records by stating that a party must provide written consent to share such materials with the Bentley University. A Complainant or Respondent can submit medical documentation as formal evidence, including with their written consent.

The University will not release copies of evidence, including any

reports related to the incident, outside of the University, except for an instance in which the University receives a legally issued subpoena. The Title IX Coordinator and Deputy Coordinators will share reports with any involved party verbally over a video teleconference or in person, if available, in the Student Center suite 320. Parties who read or view reports or evidence in person will be prohibited from copying, taking pictures, or otherwise disseminating the content. This is done intentionally to ensure confidentiality and privacy.

#### E. Investigation Report.

The completed investigation report will outline each of the allegations that potentially constitute prohibited conduct under this Policy, provide the timeline of the investigation, fairly summarize the relevant evidence, participant statements, and responses to questions. The investigator may draw conclusions and make recommendations regarding the credibility of all testimony and the reliability of documentation. The investigator will provide a completed investigation report to the Title IX Coordinator for review and feedback. The Title IX Coordinator will then provide the investigation report concurrently to both parties and each party's advisor, if any, upon a party's signed information release for their advisor of choice at least ten (10) days prior to the date of the scheduled hearing to review and provide a written response at the hearing. The Title IX Coordinator will provide a copy of the completed investigation to the hearing officer assigned for the hearing.

#### V. STANDARD OF EVIDENCE AND PRESUMPTION OF NOT RESPONSIBLE.

The University's Adjudication Process will use the preponderance of the evidence standard, which is defined as whether it is more likely than not that the Respondent violated the Policy as alleged. By law, it is presumed that the Respondent is not responsible for the alleged conduct unless that determination regarding responsibility is made at the conclusion of the Adjudication Process.

#### VI. REFERRAL FOR HEARING

Provided that the Formal Complaint is not resolved through Informal Resolution, once the final investigation report is shared with the parties, the Title IX Coordinator will refer the matter for a hearing. A hearing is a Panel that will consist of three Bentley staff members drawn from a standing pool of panelists. The Panel may consist of faculty or staff from Bentley University. One of the members will be the chairperson and will be deemed the Hearing Panel Chair.

The hearing cannot be less than ten (10) days from the conclusion of the investigation (when the final investigation report is transmitted to the parties and the Hearing Officer) unless all parties and the Hearing Officer agree to an expedited timeline.

The Title IX Coordinator will select an appropriate Hearing Panel Chair from the Pool depending on whether the Respondent is an employee or a student.

#### VII. HEARING PROCEEDINGS FOR ADJUDICATION UNDER TITLE IX

- A. **Live Hearing.** In accordance with the 2020 Federal Regulations, the University will provide a live hearing for all Formal Complaints subject to the Adjudication Process as outlined in this Policy under the "Title IX Process."
- B. **Written Notice of the Hearing.** The University will provide at least ten (10) days written notice to participants of the hearing (and the participant's advisor, if any, upon a participant's signed information release for their advisor of choice), including the date, time, location, names of all participants of the hearing (including the Panel Members and hearing officer), and all parties and participants in the investigation report, the purpose of the hearing, a statement of the alleged conduct charges, and a summary statement of the evidence gathered.
- B. **Challenges to the Panel Members and Hearing Officer.** Either party may challenge the fairness, impartiality, or objectivity of the Panel Members and the Hearing Officer. The challenge must be submitted in writing to the Title IX Coordinator within 72 hours after notice of the identity of the Panel Members and Hearing Officer and must state the reasons for the challenge. The Title IX Coordinator will be the sole judge as to whether members can serve with fairness, impartiality, and objectivity. In the event that the Panel Members or Hearing Officers recuses themselves, an alternative Panel Member or Hearing Officer will be assigned in accordance with the University procedures.
- C. **Hearing Panel Chair Duties at the Hearing.** The Hearing Panel Chair will rule on all procedural matters and on objections regarding exhibits and testimony of participants at the hearing, may question participants who testify at the hearing, and is entitled to have the advice and assistance of legal counsel from the Bentley's General Counsel or outside Counsel retained by the University.

- D. Access to Evidence.** Each party will have access to all of the evidence from the investigation, including a copy of the completed investigation report.
- E. Separate Rooms and Virtual Participation.** At the request of either party, the University will provide the hearing to occur with the parties located in separate rooms with technology, enabling the hearing officer and the parties to simultaneously see and hear the participants answering questions. Participants may appear at the hearing virtually and are not required to be physically present at the same physical location of the hearing.
- F. Opening and Closing Statements:** Each party may make opening and closing statements if they wish.
- G. Privileged Information Excluded.** No person will be required to disclose information protected under a legally recognized privilege. The hearing officer must not allow into evidence or rely upon any questions or evidence that may require or seek disclosure of such information, unless the person holding the privilege has waived the privilege. This includes information protected by the attorney-client privilege.
- H. Advisor of Choice.** Each party is required, under the Title IX Regulation, to have an advisor of their choice at the hearing. If a party does not have an advisor for the hearing, the University will provide one. The University will appoint a trained Advisor for the limited purpose of asking questions of the other party and witnesses necessary at the Hearing. Advisors are not permitted to actively participate in the hearing, except for asking questions of the other party and any other witnesses. In addition, witnesses may have an advisor of their choice at the hearing.
- I. Questioning of the participants at the hearing.** The Hearing Panel Chair may, at their discretion, ask questions during the hearing of any party or witness and may be the first person to ask questions of any party or witness. Each party's advisor will have an opportunity to ask relevant questions and follow-up questions of the other party and of any witnesses that participate in the hearing, including questions that challenge credibility. Each advisor has the ability to ask questions directly, orally, and in real-time at the hearing. The parties will not be permitted to personally ask questions of the other party or any witnesses that participate in the hearing. The advisors may ask questions under the following procedure:
- The advisor will ask a question of the applicable participant.
  - Before the participant answers a question, the hearing officer will rule as to whether the advisor's question is relevant to the alleged conduct charges.
  - If the Hearing Officer rules the advisor's question as not relevant, then the hearing officer must explain any decision to exclude a question as not relevant. If the hearing officer allows the question as relevant, the participant will answer it.
- J. Prior Sexual History.** A Complainant's sexual predisposition or prior sexual behavior is not relevant except where questions and evidence about a Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the alleged conduct charged by the Complainant, or if the questions or evidence concern specific incidents of the Complainant's prior sexual behavior with the Respondent and are offered to prove the Complainant's consent of the alleged conduct.
- K. Not submitting to Cross-Examination.** If a party or witness refuses to submit to any cross-examination questions during the hearing, the hearing officer will not rely on any statement of that party or witness, when reaching a responsibility determination. The hearing officer will not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the hearing or refusal to answer questions.
- L. The hearing will be recorded in audio or audiovisual format** and may be transcribed at the discretion of the University. The recording or transcript, if applicable, will be available for the parties to inspect and review, upon request.
- M. Format.** An example of how a Title IX Hearing will proceed is below:
- Planned for time span to include all witnesses called to participate (2-3 hours, on average)
  - Hearing convenes to introduce all Parties, Advisors, Panelists, Coordinators, Witnesses
  - Review agenda and procedures
  - Opening statement from the Investigator summarizing findings
    - ◊ Panel Chair may pose questions to the investigator
    - ◊ Advisor of Complainant may pose questions of the

investigator through the Panel Chair

- ◊ Advisor of Respondent may pose questions of the investigator through the Panel Chair
- Testimony/Opening statement from Complainant
  - ◊ Panel Chair may pose questions of the complainant
  - ◊ Advisor of Respondent may pose questions of the complainant through the Panel Chair
  - ◊ Advisor of Complainant may pose questions of the complainant through the Panel Chair
- Testimony/Opening statement from Respondent
  - ◊ Panel Chair may pose questions of the respondent
  - ◊ Advisor of Complainant may pose questions of the complainant through the Panel Chair
  - ◊ Advisor of Respondent may pose questions of the respondent through the Panel Chair
- Witness Testimony (the following is replicated for each witness)
  - ◊ Review written testimony of witness
  - ◊ Panel Chair may pose questions of the witness
  - ◊ Advisor of Respondent may pose questions of the witness through the Panel Chair
  - ◊ Advisor of Complainant may pose questions of the witness through the Panel Chair
- Remaining questions for Complainant (panel, respondent advisor, complainant advisor)
- Remaining questions for Respondent (panel, complainant advisor, respondent advisor)
- Closing Statements
  - ◊ Complainant
  - ◊ Respondent
- Hearing adjourned

### **VIII. HEARING PROCEEDINGS FOR ADJUDICATION UNDER GENDER-BASED HARASSMENT & DISCRIMINATION (GBHD)**

The GBHD Adjudication Process will apply in Formal Complaints where the Respondent is a student at the time of the alleged conduct, and the alleged conduct did not meet the requirements under the Title IX Process

(as defined by Title IX Regulations and this Policy). The GBHD Process involves an investigation, a three-person panel hearing, adjudication, and, if appropriate, the imposition of sanctions. Although, as a general rule, the University will expect that the parties will participate in the GBHD hearing, the Panel may proceed without the parties' presence at the hearing.

The details of the Hearing under the GBHD Process is detailed below:

- A. Investigation Report.** Once the independent investigation has been completed, the Investigator will present the investigation report to Title IX Coordinator for review and feedback, and then the investigation report will be reviewed by the GBHD Panel. Both the Complainant and Respondent will be allowed to review the investigation report prior to the Panel Hearing.
- B. Rebuttal Documentation.** After reviewing the investigation report, the parties have the opportunity to 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 three (3) days of the GBHD Panel. Any information that is submitted will be made available to the other party for review and will be provided to the panel.
- C. Written Notice of the Hearing.** The University will provide at least ten (10) days written notice to participants of the hearing (and the participant's advisor, if any, upon a participant's signed information release for their advisor of choice), including the date, time, location, names of all participants of the hearing (including the Panel Members and hearing officer), and all parties and participants in the investigation report), the purpose of the hearing, a statement of the alleged conduct charges, and a summary statement of the evidence gathered.
- D. Challenges to the Panel Members and Hearing Officer.** Either party may challenge the fairness, impartiality, or objectivity of the Panel Members and the Hearing Officer. The challenge must be submitted in writing to the Title IX Coordinator within 72 hours after notice of the identity of the Panel Members and Hearing Officer and must state the reasons for the challenge. The Title IX Coordinator will be the sole judge as to whether members can serve with fairness, impartiality, and objectivity. In the event that the Panel Members or Hearing Officers recuses themselves, an alternative Panel Member or Hearing Officer will be assigned in accordance with the University procedures.
- E. Hearing Panel Chair Duties at the Hearing.** The Hearing Panel Chair will rule on all procedural matters and on objections regarding exhibits and testimony of participants at the hearing, may question participants who

testify at the hearing, and is entitled to have the advice and assistance of legal counsel from the Bentley's General Counsel

- F. **Opening and Closing Statements:** Each party may make opening and closing statements if they wish. Any final statement or rebuttal documentation must be sent to the Title IX Coordinator within 72 hours from the Hearing.
- G. **Privileged Information Excluded.** No person will be required to disclose information protected under a legally recognized privilege. The Hearing Panel Chair must not allow into evidence or rely upon any questions or evidence that may require or seek disclosure of such information, unless the person holding the privilege has waived the privilege. This includes information protected by the attorney-client privilege.
- H. **Advisor of Choice.** Each party has the option to have an Advisor with them during the Hearing. Advisors are not permitted to actively participate in the hearing. In addition, witnesses may have an advisor of their choice at the hearing.
- I. **Format.** An example of how a GBHD Hearing will proceed is below:
- GBHD Panel convenes via Zoom (15 minutes)
  - GBHD Panel will meet with the Investigator via Zoom (30 minutes)
  - GBHD Panel will meet with Complainant to hear final statement via Zoom (45 minutes)
  - GBHD will meet with Respondent to hear final statement via Zoom (45 minutes)
  - GBHD will meet with Investigator to conclude, if needed, via Zoom (30 minutes)
  - GBHD Panel concludes

**THE FOLLOWING POLICY DETAILS ARE IDENTICAL IN BOTH ADJUDICATION PROCESSES:**

- IV. **INTERFERENCE WITH THE ADJUDICATORY PROCESS.** Any person who interferes with the Adjudication Process outlined in this Policy is subject to disciplinary action up to and including dismissal or separation from the University. Interference with the Adjudication Process may include, but is not limited to:
- i. Attempting to coerce, compel, or prevent an individual from providing testimony or relevant information;
  - ii. Removing, destroying, or altering documentation relevant to the Adjudicatory Process; or

- iii. Knowingly providing false or misleading information to the Title IX Coordinator, investigator or hearing officer, or encouraging others to do so.

**A. Hearing Panel Determination.**

After the panel convenes, the Hearing Panel Chair will issue a written determination within 7 days of the Hearing, which must include the following:

- The allegations that potentially constitute prohibited conduct under this Policy;
- A description of all of the procedural steps of the Adjudication Process under this Policy (from receipt of a Formal Complaint to the determination regarding the responsibility of the Respondent, including any notifications of the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held);
- The findings of fact supporting the hearing officer's determination;
- The conclusion(s) and a rationale as to whether the Respondent is responsible for each allegation;
- The disciplinary sanctions, if applicable;
- The remedies, if applicable, designed to restore the Complainant's access to the education program or activity; and
- The institution's procedures and permissible bases for the parties to appeal, if applicable
- The Panel Chair will send a copy of the written determination to the Title IX Coordinator. The Title IX Coordinator will then share with the parties simultaneously.

**B. Sanctions**

Where there is a finding of responsibility, the sanctions and remedies that are listed below may be considered by the hearing officer in accordance with this Policy. The hearing officer may impose one or more sanctions.

The policy prohibits a broad range of conduct, all of which are serious in nature. In keeping with the University's commitment to foster an environment that is safe, inclusive, and free from discrimination and harassment, the hearing officer has great latitude in the imposition of sanctions tailored to the facts and circumstances of each report, the impact of the conduct on the Complainant, surrounding community,

and accountability for the Respondent. The imposition of sanctions is designed to eliminate prohibited conduct, prevent its recurrence, and remedy its effects while supporting the University's educational mission and federal obligations.

#### **Possible Sanctions for Student Respondents:**

1. **Written Warning:** A formal admonition which appears in an individual's disciplinary record at the University. Any further violation of any University policy, procedure, or directive will result in more severe sanctions/responsive actions.
2. **Educational Training/ Counseling:** A requirement to meet with and engage in a Bentley- sponsored training designed to help the party become aware of University rules, policies and regulations, and or external counseling to help students better comprehend the misconduct and its effects.
3. **Probation:** A more serious admonition, assigned for a definite amount of time that identifies a student's status is no longer in good standing. Probation may also include exclusion from Bentley-owned or operated property and/or Bentley sponsored events. It also implies that any future violation, of whatever kind, during that time, may be grounds for suspension, suspension with conditions, or, in especially serious cases, expulsion from the University. Probation will be taken into account in judging the seriousness of any subsequent infraction, even if the probationary period has expired.
4. **Suspension:** Termination of student status for a specific period of time. A party suspended from the university is not to be on campus unless they received permission from the Office of the Dean of Student Affairs or the appropriate Vice President. Additional action will be taken against those who trespass, and/or criminal prosecution for trespassing is possible.
5. **Expulsion:** A permanent termination of student status at the University. A party expelled will not have an opportunity for readmission or a right to be on campus for any reason or to attend any University activity or program. The individual may not be in or on any University-owned or leased property. Additional action will be taken against those who trespass and/or criminal prosecution for trespassing is possible. Students expelled from the university are not eligible for a refund of their tuition.
6. **Withholding of Degree:** In cases involving seniors or graduate students in their final semester, the University may withhold a student's Bentley degree for a specified period of time and/or deny a student participation in commencement activities. This penalty is

imposed instead of suspension at the end of senior year or final year of graduate study when all other degree requirements have been met.

7. **Revocation of Degree:** The University reserves the right to revoke a degree previously awarded from the University for fraud, misrepresentation, and/or other violation of Bentley's policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
8. **Other Sanction(s)/Actions:** In addition to or in place of the above sanctions, the University may assign any other sanctions as deemed appropriate under the circumstances.
9. **Suspension of rights and privileges:** Including but not limited to the restriction of access to space, a prohibition from participating in athletic or extracurricular activities.
  - a. **University Residential Housing/Other Facilities:** When appropriate to the infraction, removal from University housing or relocation within University housing, or restrictions other campus facilities.
  - b. Sanctions will be imposed immediately. The Title IX Coordinator will review the sanctions recommended by the hearing officer and will consider the appropriateness of continuing supportive measures on an ongoing basis. Extended supportive measures may be included in the sanctions. Students who receive sanctions are not eligible for a refund of their tuition or housing costs.

#### **POSSIBLE SANCTIONS FOR EMPLOYEE RESPONDENTS:**

The appropriate disciplinary authority will determine the sanction, which may include (in accordance with the employment policies governing the employee in question):

1. Counseling or Training
2. Warning
3. Employment probation;
4. Job demotion or reassignment of duties;
5. Suspension with or without pay for a specific period of time;
6. Dismissal or termination;
7. Ineligible for rehire; and/or
8. Other sanction(s) or remedies as deemed appropriate under the circumstances

Sanctions will be determined based on the seriousness of the misconduct and on the individual's prior disciplinary history if any. Sanctions will be communicated to the parties, as appropriate, in writing by the Vice President and Chief Human Resources Officer or designee. The notification will include the parties' rights of appeal if any. In all cases involving sex discrimination or sexual misconduct, the file will be archived by the Title IX Coordinator.

### C. Appeals

Either party may appeal in writing the hearing officer's determination regarding a Respondent's responsibility under the Adjudication Process or from the University's dismissal of a Formal Complaint (or any allegations in the Formal Complaint) within seven (7) days of notification of such a determination.

- Appeals are limited on the following basis:
- There has been a failure of fair process.
- New, relevant information that was not available at the time of the Hearing can be introduced.
- The sanction(s) 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 seven (7) day time limit after their notification of such determination. The written appeal must set forth the information/evidence to support the appeal. Appeals that do not comply with these requirements may not be considered. The appeal is not an opportunity to argue that the initial decision was wrong or because they disagree with the finding(s) or sanction(s). The appeal is not a new fact-finding process.

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. Any non-appealing party will have seven (7) days from the notification of an appeal to submit a written statement.

Both parties will be notified in writing when an appeal is filed, and the appeal procedures will apply equally for both parties. The person filing the appeal is the Appellant. The appellate officer will be considered by an impartial and well-trained administrator, or administrators, who were not part of the initial Investigation and Adjudicatory Process. In considering the appeal, the appellate administrator(s) will be given the written appeal, the Investigative Report, including the statements of the Complainant and

Respondent, and the Hearing Officer decision to review.

Once the appellate process has been complete, the final decision will be provided to both parties.

To submit a written appeal, an Appellant should write a letter to the Appellate Administrator, the Vice President of Student Affairs, or their designee, outlining their reason for appeal. The appeal letter should be submitted via e-mail to:

J. Andrew Shepardson, Ph.D.  
Vice President of Student Affairs/Dean of Students at Bentley University  
ashepardson@bentley.edu  
781-891-2161

The Appellate Officer may choose to meet with the party, though is not requirement will release a written appeal decision within 10 (ten) days from the date of the appeal. The Appeal Decision will be sent in writing to all parties simultaneously. The Appeal Decision will specify the finding on each ground for appeal and specify instructions to:

- Affirm the hearing officer's determination regarding the Respondent's responsibility and affirm the disciplinary sanctions and remedies, if applicable;
- Affirm the hearing officer's determination regarding the Respondent's responsibility and amend the disciplinary sanctions and remedies, if applicable;
- Remand the adjudicatory process back to the hearing stage for the hearing officer to remedy any procedural irregularity or consider any new evidence;
- Reverse the hearing officer's determination of the Respondent's responsibility and amend the disciplinary sanctions and remedies, if applicable; or
- Affirm or amend the sanctions and/or remedies outlined in the administrative disposition issued under this Policy.

Any sanctions imposed as a result of the hearing will remain in place during the appeal process. Any supportive measures may also be reinstated.

## IX. OTHER INFORMATION ABOUT ADJUDICATION PROCESS

- A. **Adjudication Process Documentation/Record Keeping.** The University's Title IX Office will retain all of the documentation included in the Adjudication Process for seven (7) years, in

accordance with state and federal records laws and University policy. All documentation of records is private and confidential to the extent possible under the law. Student records of the Adjudication Process are disciplinary records under FERPA.

- B. Adjudication Process Timeframe.** The entire Adjudication Process, as outlined in this Policy, including any appeal, can take up to 120 days from the filing of the Formal Complaint. However, the circumstances may require a temporary delay in this timeframe, and the University may extend this timeframe for a good cause. In such an instance, the University will provide written notice to the parties of the delay or extension and the reason(s) for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or an accommodation of disabilities. The time period in this section does not include the period the parties attempted but failed to reach an agreement in the Alternative Resolution Process, if applicable, and in such a case, the Adjudication Process timeframe will be extended by the period the parties **attempted to reach an Alternative Resolution.**
- C. Safeguarding the Privacy of Complainants and Respondents**  
Individuals involved in proceedings under this policy are encouraged to exercise discretion in sharing information in order to safeguard the integrity of the process and to avoid the appearance of retaliation. While discretion regarding the process is important, complainants and respondents are not restricted from discussing and sharing information with others who may support or assist them during the process, however they should refrain from sharing any information with someone not already involved in the process. All parties, however, are encouraged to maintain the privacy of FERPA-protected and/or sensitive information gathered or learned in the process.
- In the course of the Adjudication Process, the University may share information only as necessary with people who need to know in compliance with the law, which may include but is not limited to the investigators, witnesses, Complainant, Respondent, parties' advisors, hearing officer, and the appellate officer—if applicable. The University will take all reasonable steps to ensure there is no retaliation against the parties or any other participants in the investigation or in any other part of the Adjudication Process.
- D. Standard of Review.** The Panel Hearing is not intended to serve as an additional investigatory process. If either party provides any new and relevant information during their final statements, it will be

referred to the Title IX Coordinator who will determine, with input from the Panel Chair, whether or not to implement a supplemental investigation or separate investigation where the other party will have a fair opportunity to respond.

- E. 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 Complaint. If so, the 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 Panel. The Investigator will then prepare and submit a supplemental investigation report addressing the findings as to the issues raised by the 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 Panel Chair reserves the right to schedule a subsequent Panel Hearing to address the findings from the supplemental investigation with the parties separately, at its discretion, should the Panel feel that such a meeting would be helpful to the process.
- F. Withdrawal/Acceptance of Charges**
1. **Complainant May Withdraw the Report:** Prior to the Panel's Decision, the Complainant may withdraw the Formal Complaint. Withdrawal of the report will, under most circumstances, end the Adjudication Process for that Formal Complaint. Once a Formal Complaint has been withdrawn, it cannot be filed again by the Complainant within this process. The University reserves the right to move forward with the Formal Complaint, even after the Complainant decides to withdraw it, in order to protect the interests and safety of the Bentley community.
  2. **Respondent May Accept Responsibility:** Prior to the Panel's decision, the Respondent may accept responsibility for the misconduct alleged in the Formal Complaint. This acceptance, under most circumstances, will end the Adjudication Process, and the matter would then be referred to the Panel to decide the issue of the appropriate disciplinary action for the Respondent. The Panel may take the Respondent's acceptance of responsibility into consideration in determining the appropriate sanction. Once the Respondent accepts responsibility, such acceptance cannot be withdrawn. A written finding of the accepted report and the resulting disciplinary action will be issued by the Panel, which

will become part of the Respondent's student records and will be shared with the Complainant.

3. **Respondent May Withdraw:** At any time up until three (3) days after the Panel Hearing, the Respondent has the right to withdraw as a student from Bentley University. In such a case, the Respondent will leave the University with the notation "Student Withdrew with Disciplinary Charges Pending" on their disciplinary record. After withdrawing, the Respondent will not be eligible to return to the University. A Respondent's withdrawal will end the Adjudication Process for that report. On the fourth (4th) day after the Panel Hearing, the Respondent will no longer be allowed to withdraw, as the pending decision from the panel and disciplinary action will determine their status with the University. Under certain circumstances, and at the discretion of the Panel, the time period for the Respondent to withdraw may be extended if a supplemental fact-finding investigation has been requested by the Panel. In that case, the Respondent's right to withdraw would expire three (3) days after any subsequent Panel Hearing is held, or after notice that a subsequent Panel Hearing will not be scheduled.

**G. The Panel's Decision.** Upon determining that all of the issues regarding the formal report have been fully investigated and adequately addressed, the Panel will render its decision. The decision will be made on the preponderance of the evidence standard – which means 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 panel will base its decision on the information presented in the investigation report and any supplemental investigation report. Under ordinary circumstances, the Panel's decision will be issued in writing within 7 (seven) days after the Panel Hearing. 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 Complaint:

- A finding that a University policy was violated. The panel will then determine the appropriate sanction(s) for the prohibited conduct.
- A finding that a University policy was not violated. Based on this finding, the matter will be considered resolved, and the investigation will be closed.

- A finding that a University policy was not violated as there is insufficient evidence to support a finding that the Respondent violated these policy allegations based on the Formal Complaint. Based on this finding, the matter will be considered resolved, and the investigation will be closed. Appropriate remedial measures (including but not limited to supportive measures issued to both parties) may, however, remain in effect.

Where possible, the parties will receive an immediate notification of the Review Panel's determination. Written notice of the outcome, sanction (if appropriate), and rationale for each will typically be provided within 7 days of the hearing. Once the Panel's decision has been issued, both the Complainant and the Respondent will be notified by the Title IX staff. Each party will meet with the Title IX staff separately to receive a copy of the Panel's decision, referencing the supporting information that the Panel relied on from the investigation report. The Panel's decision is a confidential document that can only be shared with authorized persons, as noted in this process (i.e., advisor, 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 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.

# Sexual Harassment Policy

Respect and community are two key values at Bentley. Bentley strives to maintain a supportive, civil workplace, one in which employees treat each other with respect and dignity. In keeping with its values, Bentley prohibits and does not tolerate sexual harassment against or by anyone in our community - faculty, staff, students, or anyone else who is working on campus or visiting. Sexual harassment is prohibited on campus and at any Bentley-sponsored event whether on- or off-campus. Sexual harassment is a form of sex discrimination that is unlawful under federal and state law. If Bentley determines that this policy has been violated, the person found to have violated this policy may be subject to discipline up to and including termination.

Bentley University is committed to principles of free speech and upholding the principles of academic freedom. This policy is not intended to restrict reaching 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.

## What is sexual harassment?

Sexual harassment is offensive or unwelcome conduct based on someone's sex, gender, sexual orientation, or gender identity and/or expression. It includes offensive or unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature.

Offensive and unwelcome behaviors may constitute sexual harassment *regardless of the intention of the person engaging in the conduct.*

While it is not possible to list all behaviors that may constitute sexual harassment, the following are some examples of conduct that may constitute sexual harassment:

- Unwanted, persistent requests for dates or for a sexual or personal relationship
- Requests for sexual favors in exchange for actual or promised job or academic benefits such as favorable reviews, salary increases, promotions, benefits or continued employment
- Sexual jokes
- Use of sexual epithets, written or oral references to sexual conduct, gossip regarding one's own or another's sex life, comments on an individual's body, sexual activity, deficiencies, or prowess
- Displaying or sharing sexual objects, pictures or cartoons
- Leering, brushing against the body, sexual gestures, suggestive or insulting comments

- Inquiries into one's sexual activities
- Assault or coerced sexual acts

If Bentley becomes aware that a violation of this Sexual Harassment Policy may have occurred, it reserves the right to investigate even if the conduct is not reported.

**Sexual Harassment Training.** Bentley requires all employees to complete an online sexual harassment training program at the time of hire and periodically thereafter so that we share a common understanding about what sexual harassment is and how to respond to sexual harassment.

**What to do if sexual harassment occurs to you.** If you believe that you have been subjected to sexual harassment, let someone know! If someone at Bentley in a position to help is not aware of the problem, we can't make sure the behavior stops and does not recur. There are several ways sexual harassment can be addressed –

- **Talk to someone, such as** your supervisor, division head, HR Business Partner or the University Ombudsman. These individuals can provide guidance and coaching on how to approach the person engaging in the unwanted behavior, or they can counsel you on how to proceed in other ways. These people may have additional information and may be a source of support.
- **Talk to the person engaging in the behavior**, only if you are comfortable doing so. Explain that their behavior makes you uncomfortable or is offensive and that you want it to stop. In some cases, the person is not aware that their behavior is inappropriate or causing offense. However, not everyone is comfortable having such conversations, so don't worry if you would prefer not to go this route.
- **File a report** of sexual harassment by following the procedure set forth in *How to Report Sexual Harassment or Workplace Discrimination, Harassment or Bullying*. By filing a report, you can either request informal assistance or a formal investigation, as explained in that document.
- **File an external complaint.** While employees are encouraged to report and resolve sexual harassment **complaints internally**, employees may file a formal complaint with either or both of the government agencies listed below within their mandated timeframes.

Mass Commission Against Discrimination  
One Ashburton Place, Room 601  
Boston, MA 02108  
617-994-6000  
TTY: 617-994-6198

Equal Employment Opportunity Commission  
John F. Kennedy Federal Building  
475 Government Center  
Boston, MA 02203  
1-800-669-4000  
TTY: 1-800-669-6820

**See something, say something - don't be a bystander!** If you believe that another employee has been subjected to conduct that violates this policy, report the conduct immediately to your supervisor or division head, your HR Business Partner, or the University Ombudsman. If employees do not report sexual harassment, Bentley may not become aware that such conduct exists and can't take steps to ensure that the behavior stops.

### **What will happen if someone is found to have engaged in sexual harassment?**

At times, employees are reluctant to report sexual harassment because they think that "nothing will be done" or they "don't want anyone to lose their job." Bentley takes sexual harassment seriously. If a report of sexual harassment is brought to the attention of Human Resources or the ombudsman, we will work with you to determine how to proceed. The goal is to be sure that the harassment stops and does not recur.

Any time an employee may be subject to discipline, the consequence should be proportionate to the offense. Counseling may be appropriate in some cases, while termination may be appropriate in other cases. If an employee is determined to have violated the Sexual Harassment Policy, Bentley will consider factors such as the nature and severity of the offense, whether there is a history of prior offenses, and what consequence will be effective in making sure the behavior stops and does not recur.

**Protection from Retaliation.** No retaliation will be taken against anyone who reports sexual harassment, files internal or external harassment complaints, opposes harassing practices, or participates in the investigation of such complaints.

**Duty of Good Faith.** While employees are encouraged to raise issues regarding sexual harassment, employees may not knowingly or recklessly make a false complaint of sexual harassment. Any such action may lead to disciplinary action, up to and including termination of employment.

## **Categories of Employees Reporting Responsibilities under Title IX**

All involved parties have many options, including seeking counseling or assistance from a Confidential Resource, making a report under this policy, and/or making a report to law enforcement. The University recognizes that deciding among these options can be difficult and is an intensely personal decision. Individuals are encouraged to seek assistance and to explore all potential reporting and support options.

Please note that faculty and staff members on campus have different roles and responsibilities for reporting information should a student disclose any prohibit conduct under this policy. It is important to understand the different responsibilities of Bentley's employees. Every employee is designated as either a Confidential Employee, a Responsible Employee, and all Other Employees.

**Confidential Employees:** This is an employee who may talk to an individual in confidence, and generally only report to the University that an incident occurred without revealing any personally identifying information. Disclosures to these employees (e.g., physicians, nurses, professional counselors, clergy) will not trigger an investigation into an incident against the individual's wishes. If a disclosure is made to a Confidential Resource, that employee will only share non-identifiable information with the Title IX Coordinator or Deputy Coordinators. (i.e. 1 count of Sexual Assault, on-campus, residence hall, month of September). Confidential Resources may be deemed as confidential through their professional licensure (i.e. physicians) or through this policy. Professional Staff within the Center for Wellness and Health Promotion and the Ombudsperson are deemed as Confidential Employees under this policy.

**Responsible Employees:** Include faculty and staff, who are required to notify the Title IX Team when an incident of sexual violence, misconduct, gender-based harassment, discrimination and/or retaliation is reported to them, especially if there is cause for fear of a person's safety. The disclosure includes the identities of both the Complainant and Respondent (if known) to the Title IX Coordinator. A report to responsible employees constitutes a report to Bentley and obligates the University to respond to the incident and take appropriate steps to address the situation. When a responsible employee receives a disclosure and notifies the Title IX Coordinator, the Title IX Coordinator or Deputy Coordinators reach out to the Complainant to

provide immediate resources and information, as well as an offer to meet to discuss options further. A community member will never be forced to speak with the Title IX Coordinator or Deputy Coordinators until, and if, they would like to.

**All Other Employees:** Include faculty members and other Bentley staff employees who do not fall under the categories of Confidential Employees or Responsible Employees. While these employees do not have any expectation to keep shared concerns confidential and are not required to report those concerns, the University encourages them to assist an individual who shares concerns. Individuals may seek advice from any other these employees on campus after an incident occurs. If you are unsure of someone's duties and ability to maintain your privacy, ask them before you talk with them.

This policy is intended to make members of the community aware of the various reporting and confidential disclosure options available to them. Ideally, this information will inform individuals so they can make deliberate choices about where to turn should they experience sexual misconduct, gender-based harassment, discrimination, and/or retaliation. Bentley encourages impacted parties to talk to someone identified in one or more of these groups.

**Supportive Measures** One way in which Bentley will support those who bring forward claims of sexual misconduct, sex-or gender-based discrimination, harassment, and retaliation is to offer individualized supportive measures, without any fee or charge. Supportive measures are non-disciplinary, non-punitive personalized services offered to parties. The goal of supportive measures is to provide support to remedy the impact of the alleged misconduct preserve equal access to education, and protect safety. Supportive measures are available with or without the filing of a formal complaint.

Examples of supportive measures include:

Implement contact limitations ("University No Contact Orders") to all parties involved

- Changes in housing assignment or room combination
- Assistance from support staff or Academic support services
- Help in rescheduling exams; extensions of a deadline; and other course-or program-related adjustments
- Limiting access to University facilities and activities pending resolution of the matter
- Change in class schedule, withdrawal, or leave of absence
- Change in work schedule or job assignment
- Arrangements for counseling, medical, and/or other health services

- Safety planning both on and off-campus
- Providing campus security escorts
- Provide transportation accommodations
- Increased security and monitoring of certain areas of the campus
- Guided conversations to confront behavior
- Action planning to resolve a conflict in the future

These are just some examples of the supportive measures that the University may take to support individuals involved in an incident of sexual misconduct, sex-or gender-based discrimination, harassment, and retaliation. As each individual will have their own needs and requests, the University is committed to tailoring supportive measures to the specifics of each incident, in a fair and equitable manner (without unreasonably burdening the other party). Individuals seeking to access supportive measures can contact the Title IX Coordinator or the Deputy Title IX Coordinators. The decision to impose supportive 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.

### Reporting Confidentially

If you are an employee seeking support but want to maintain confidentiality, the best on-campus resources for you includes speaking with the Ombudsperson as a Confidential resource. If you are a student seeking support but want to maintain confidentiality, the best on-campus resources for you include speaking with Confidential resources within the Health Center, the Counseling Center, the Center for Wellness and Health Promotion, and the Spiritual Life staff. All of these resources are included in the cost of attendance for students, and the clinicians in the Health Center and Counseling Center staff can be seen on an emergency basis. 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/Gender-Based Harassment and Discrimination procedures; and/or
- Do not want the Respondent (i.e., alleged violator) to know that you are seeking help or support

Please be aware that confidential resources have some obligations to report, notably when the individual is in imminent danger or posing imminent danger to others. There are also obligations to report situations involving the abuse of a minor. For additional information, please see section IV: Confidentiality, Privacy, and Reporting Responsibilities of Bentley Employees beginning on page 11 of this policy.

## Confidential Resources by Office:

If a disclosure is made to a Confidential Resource, that employee will only share non-identifiable information with the Title IX Coordinator or Deputy Coordinators. (i.e. 1 count of Sexual Assault, on-campus, residence hall, month of September)

On-Campus:	Off-Campus:	Available to:
Counseling Center (781-891-2274)	REACH Beyond Domestic Violence (24/7 Hotline: 1-800-899-4000) *Satellite office located in Waltham	<b>Full Bentley community: All students, faculty, staff</b>
Health Center (781-891-2222)		
Wellness Center (781-891-2600)		
Spiritual Life (781-891-2418)		
University Ombudsperson (781-891-3102)		
	Boston Area Rape Crisis Center (BARCC) (24/7 Hotline: 1-800-841-8371 Office Phone: 617-492-8306) *Satellite office located in Waltham	

## On-Campus Confidential resources by name:

First Name	Last Name	Department
Andrew	Dole	Counseling Center
Hope	Forbes	Counseling Center
Peter	Forkner	Counseling Center
Alexander	Lemiszki	Counseling Center
Linda	MacDougall	Counseling Center
Meghan	Van Keuren	Counseling Center
Dana	Goldberg	Counseling Center
Janelle	Hickey	Counseling Center
Victoria	Koch	Counseling Center
Robert	Kitts	Counseling Center
Alia	Goodheart	Counseling Center
Nora	Basile	Health Center
Jacqueline	Burgoyne	Health Center
Sharon	Donato	Health Center
Anne	Herzog-Rousseau	Health Center
Kimberly	Kerrigan	Health Center
Julia	Matthews	Health Center
Tara	McCauley	Health Center
Deborah	Melchiorri	Health Center
Peter	Bellefeuille	Health Center
Kerry	Hughes	Health Center
Catherine	Vu Morrissey	Health Center
Barry	Ehrlich	Health Center
Margaret	Gillis	Health Center
Rebecca	Parker	Health Center
Zoe	Stern	Health Center
Edward	Brown	Spiritual Life Center
Jeffrey	Foust	Spiritual Life Center
Robin	Olson	Spiritual Life Center
Jessica	Greher-Traue	Wellness
Mallory	Loggins	Wellness
Eliane	Markoff	Office of the President

## All employees within the following offices are considered Responsible Employees:

*Responsible Employees are individuals who are required to notify the Title IX Team when an incident of sexual violence, misconduct, gender-based harassment, discrimination and/or retaliation is disclosed to them*

Department:	Division:	Available to:
Athletics	Student Affairs	<b>Full Bentley community: All students, faculty, staff</b>
Career Services		
Center for International Students & Scholars (CISS)	Student Affairs	
Cronin Center for International Education	Academic Affairs	
Faculty Department Chairs	Academic Affairs	
Gender & Sexuality Student Programs	Student Affairs	
Graduate Academic Services	Academic Affairs	
Graduate Programs & Engagement	Academic Affairs	
Human Resources		
Multicultural Center	Student Affairs	
New Student Programs & Services	Student Affairs	
Office of Academic Services	Academic Affairs	
Office of Diversity & Inclusion		
Office of Student Conduct	Student Affairs	
Office of the Vice President of Student Affairs	Student Affairs	
Residential Center	Student Affairs	
Service Learning		
Student Programs & Engagement	Student Affairs	
Student Support Services (Care Team)	Student Affairs	
University Police	Student Affairs	

## Title IX protections of NCAA Athletics

Since its passage, Title IX has dramatically increased athletic opportunities for women and girls. The Title IX regulation contains specific provisions governing athletic programs and the awarding of athletic scholarships. Specifically, if an institution operates or sponsors an athletic program, it must provide equal athletic opportunities for members of both sexes. In determining whether equal athletic opportunities are available, OCR considers whether an institution is effectively accommodating the athletic interests and abilities of students of both sexes.

OCR also considers the following 11 prongs when determining whether male and female athletes are provided with equivalent benefits, opportunities, and treatment:

1. 1. Equipment and Supplies
2. 2. Game and practice times
3. 3. Travel and per diem allowances
4. 4. Coaching
5. 5. Access to tutoring
6. 6. Locker rooms, practice and competitive facilities
7. 7. Medical and training facilities and services
8. 8. Housing and dining facilities and services
9. 9. Publicity and promotions
10. 10. Support Services
11. 11. Recruitment of Student Athletes

### Frequently Asked Questions

#### How is Title IX applied to athletics?

Athletics programs are considered educational programs and activities. There are three basic parts of Title IX as it applies to athletics:

1. 1. Participation: Title IX requires that women and men be provided equitable opportunities to participate in sports. Title IX does not require institutions to offer identical sports but an equal opportunity to play;
2. 2. Scholarships: Title IX requires that female and male student-athletes receive athletics scholarship dollars proportional to their participation; and
3. 3. Other benefits: Title IX requires the equal treatment of female and male student-athletes in the provisions of: (a) equipment and supplies; (b) scheduling of games and practice times; (c) travel and

daily allowance/per diem; (d) access to tutoring; (e) coaching, (f) locker rooms, practice and competitive facilities; (g) medical and training facilities and services; (h) housing and dining facilities and services; (i) publicity and promotions; (j) support services and (k) recruitment of student-athletes.

### **Does Title IX apply only to athletics?**

Although it is the application of Title IX to athletics that has gained the greatest public visibility, the law applies to every single aspect of education, including course offerings, counseling and counseling materials, financial assistance, student health and insurance benefits and/or other services, housing, marital and parental status of students, physical education and athletics, education programs and activities, and employment.

### **How does an institution comply with Title IX?**

An institution must meet all of the following requirements in order to be in compliance with Title IX:

1. For participation requirements, institutions officials must meet one of the following three tests. An institution may:
  - Provide participation opportunities for women and men that are substantially proportionate to their respective rates of enrollment of full-time undergraduate students;
  - Demonstrate a history and continuing practice of program expansion for the underrepresented sex;
  - Fully and effectively accommodate the interests and abilities of the underrepresented sex; and,
2. Female and male student-athletes must receive athletics scholarship dollars proportional to their participation; and,
3. Equal treatment of female and male student-athletes in the eleven provisions as mentioned above.

### **Does Title IX benefit only girls and women?**

Title IX benefits everyone -- girls and boys, women and men. The law requires educational institutions to maintain policies, practices and programs that do not discriminate against anyone on the basis of gender. Elimination of discrimination against women and girls has received more attention because females historically have faced greater gender restrictions and barriers in education. However, Title IX also has benefited men and boys. A continued effort to achieve educational equity has benefited all students by moving toward creation of school environments where all students may learn and achieve the highest standards.

### **How is Title IX compliance assessed?**

Title IX compliance is assessed through a total program comparison. In other words, the entire men's program is compared to the entire women's program, not just one men's team to the women's team in the same sport. The broad comparative provision was intended to emphasize that Title IX does not require the creation of mirror image programs. Males and females can participate in different sports according to their respective interests and abilities. Thus, broad variations in the type and number of sports opportunities offered to each gender are permitted.

### **Does Title IX require that equal dollars be spent on men and women's sports?**

No. The only provision that requires that the same dollars be spent proportional to participation is scholarships. Otherwise, male and female student-athletes must receive equitable "treatment" and "benefits."

### **Why does Title IX not require the same amount be spent on men and women's sports?**

The Javits Amendment stated that legitimate and justifiable discrepancies for nongender related differences in sports could be taken into account (i.e., the differing costs of equipment or event management expenditures). A male football player needs protective equipment such as pads and a helmet, and a female soccer player needs shin guards. Title IX does allow for a discrepancy in the cost of the equipment as long as both the football and soccer player received the same quality of equipment.

However, a female ice hockey player must receive the same protective equipment that a male ice hockey player would receive, since the protective equipment is the same.

### **Does Title IX require identical athletics programs for males and females?**

Title IX does not require identical athletics programs for males and females. Rather, Title IX requires that the athletics programs meet the interests and abilities of each gender. Under Title IX, one team is not compared to the same team in each sport. OCR examines the total program afforded to male student-athletes and the total program afforded to female student-athletes and whether each program meets the standards of equal treatment. Title IX does not require that each team receive exactly the same services and supplies. Rather, Title IX requires that the men and women's program receive the same level of service, facilities, supplies and etc. Variations within the men and women's program are allowed, as long as the variations are justified.

## Is any sport excluded from Title IX?

Under Title IX there are no sport exclusions or exceptions. Individual participation opportunities (number of student-athletes participating rather than number of sports) in all men's and women's sports are counted in determining whether an institution meets Title IX participation standards. The basic philosophical underpinning of Title IX is that there cannot be an economic justification for discrimination. The institution cannot maintain that there are revenue productions or other considerations that mandate that certain sports receive better treatment or participation opportunities than other sports.

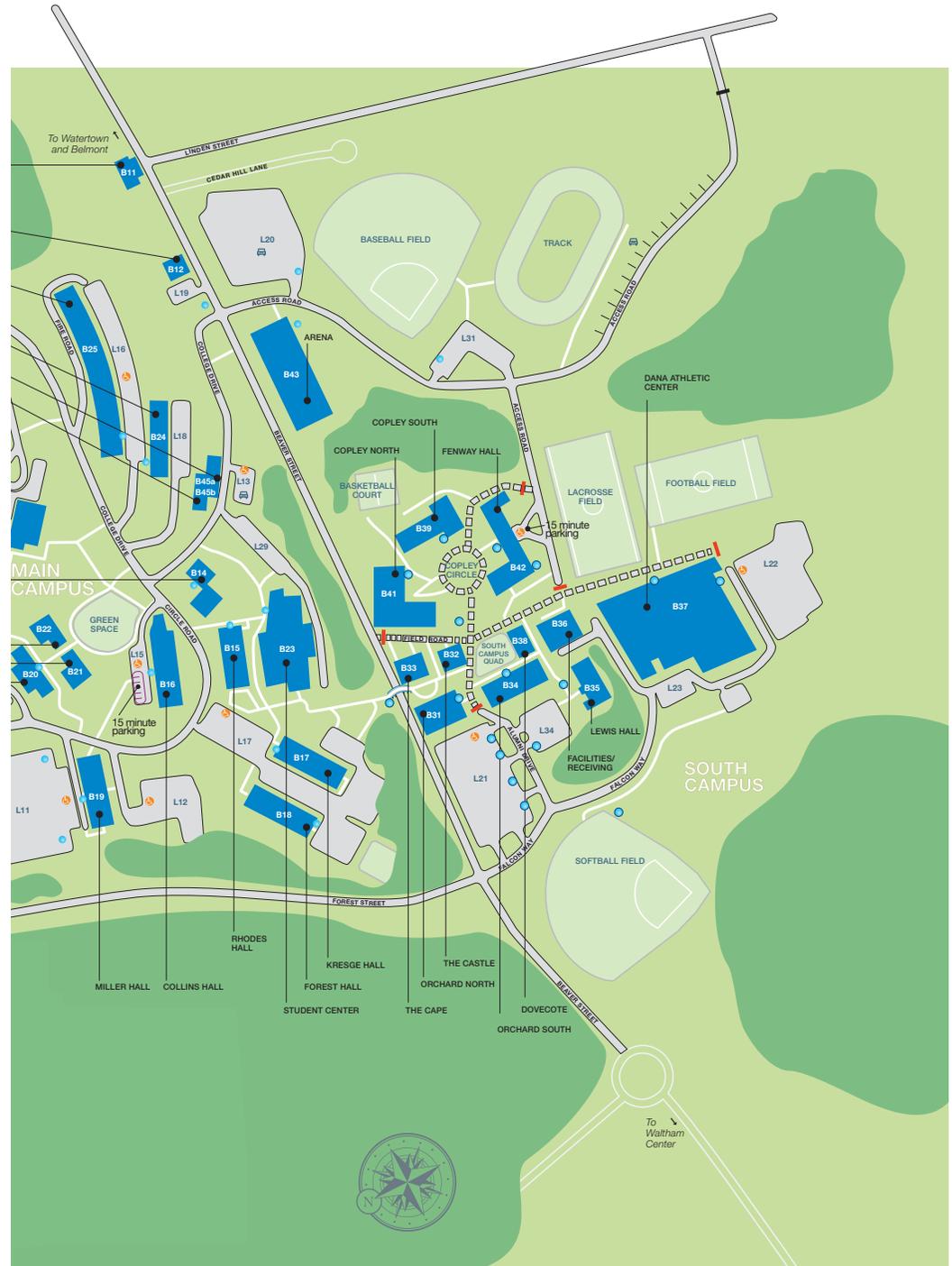
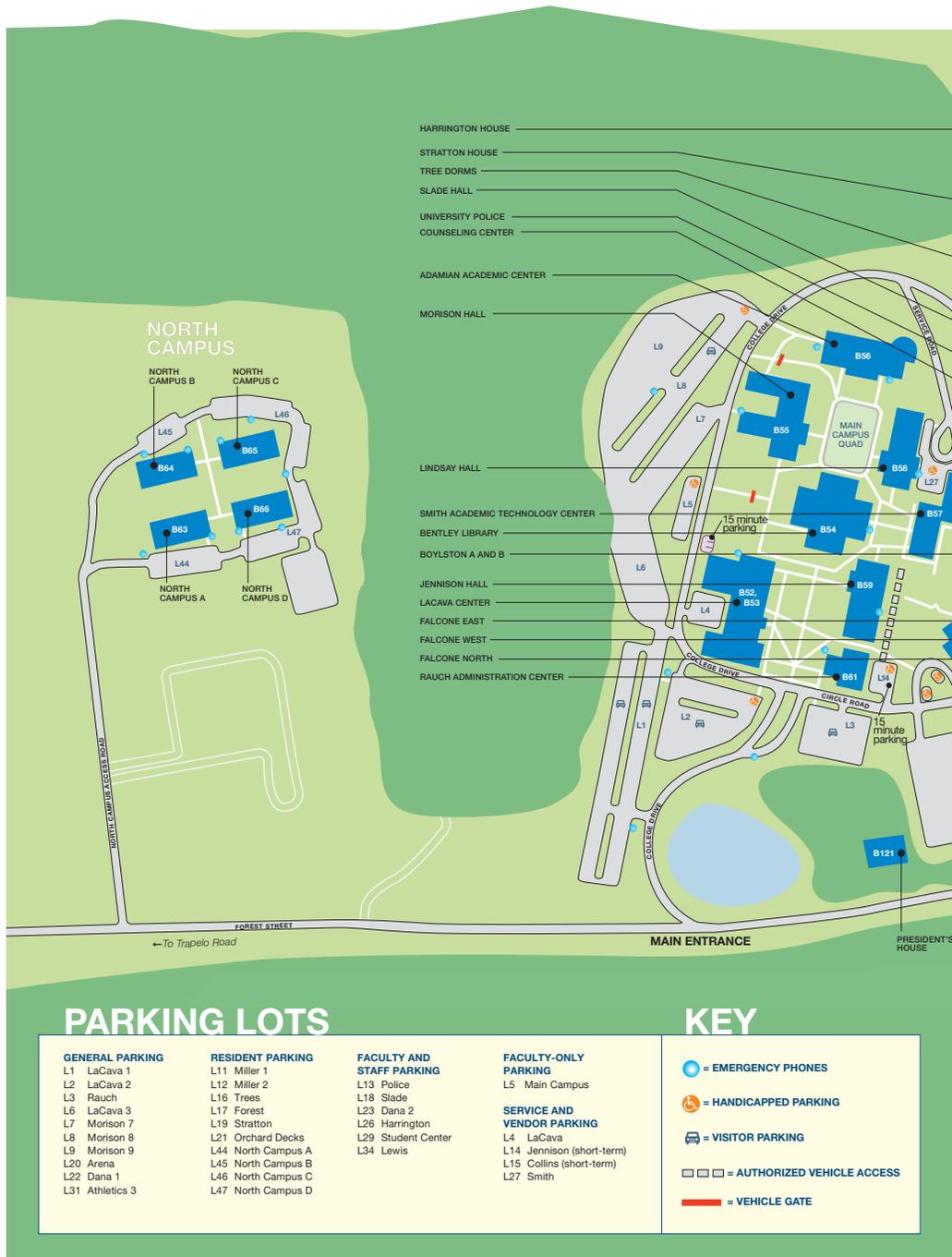
## Does Title IX mandate that a decrease in opportunities for male athletes be made in order to provide an increase in opportunities for female athletes?

Title IX does not require reductions in opportunities for male student-athletes. One of the purposes is to create the same opportunity and quality of treatment for both female and male student-athletes. Eliminating men sports programs is not the intent of Title IX. The intent of Title IX is to bring treatment of the disadvantaged gender up to the level of the advantaged group.

## IMPORTANT TELEPHONE NUMBERS

Bentley University Police	
Emergencies	781-891-3131
Business Line	781-891-2201
Alcohol and Other Drug Resource Center	781-891-2777
Boston Area Rape Crisis Center Hotline	800-841-8371
Health Center	781-891-2222
Counseling Center	781-891-2274
Domestic Abuse Hotline	800-899-4000
Mount Auburn Hospital	617-499-5025
Newton-Wellesley Hospital Emergency Room	617-243-6193
Newton-Wellesley Urgent Care (Waltham)	617-243-5590
Student Programs & Engagement	781-891-2700
Residential Center	781-891-2148
Spiritual Life Center	781-891-2194
Waltham Police (business)	781-893-1212
Waltham Fire (business)	781-893-4105







**BENTLEY**  
**UNIVERSITY**

**MAIL** Bentley University, 175 Forest Street, Waltham, MA 02452 USA

**EMAIL** [ga\\_universitypolice@bentley.edu](mailto:ga_universitypolice@bentley.edu)

**WEB** [bentley.edu/police](http://bentley.edu/police)

**PHONE** +1 781-891-2201

**FAX** +1 781-891-2559

BENTLEY UNIVERSITY is one of the nation's leading business schools, dedicated to preparing a new kind of business leader — one with the deep technical skills, broad global perspective, and high ethical standards required to make a difference in an ever-changing world. Our rich, diverse arts and sciences program, combined with an advanced business curriculum, prepares informed professionals who make an impact in their chosen fields. Located on a classic New England campus minutes from Boston, Bentley is a dynamic community of leaders, scholars and creative thinkers. Bentley University Graduate School of Business emphasizes the impact of technology on business practice, in offerings that include MBA and Master of Science programs, PhD programs in accountancy and in business, and customized executive education programs. The university enrolls approximately 4,100 full-time undergraduate, 140 adult part-time undergraduate, 1,430 graduate, and 34 doctoral students. Bentley is accredited by the New England Association of Schools and Colleges; AACSB International — The Association to Advance Collegiate Schools of Business; and the European Quality Improvement System, which benchmarks quality in management and business education.